

UNIVERSITÉ DU QUÉBEC À MONTRÉAL

THE LEGAL CAREER OF CLAUDE FRANÇOIS CHAUVEAU-LAGARDE
AT THE TIME OF THE FRENCH REVOLUTION

THESIS

PRESENTED

AS PARTIAL REQUIREMENT

OF THE MASTERS OF HISTORY

BY

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UNIVERSITÉ DU QUÉBEC À MONTRÉAL

LA CARRIÈRE LÉGALE DE CLAUDE FRANÇOIS CHAUVEAU-LAGARDE
AU TEMPS DE LA RÉVOLUTION FRANÇAISE

MÉMOIRE

PRÉSENTÉ

COMME EXIGENCE PARTIELLE

DE LA MAÎTRISE EN HISTOIRE

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RÉSUMÉ

Cette recherche a pour objet la carrière d'avocat de Claude François Chauveau-Lagarde pendant la Révolution Française.

Les analyses proposées révèlent les détails de la vie de Chauveau-Lagarde avant 1789, les contextes légaux et politiques de la période en question, ses perspectives sur la Révolution, les perspectives qu'il a adoptées envers cet événement dans le temps et la manière dont son comportement a affecté sa vie jusqu'à la fin de la Terreur. L'objectif principal de cette recherche consiste à démontrer, en examinant les expériences de Chauveau-Lagarde, comment la politique de la Révolution a infiltré le monde légal de cette période de l'histoire.

La position légale de cet avocat, pendant la période de la Terreur, donne une perspective unique d'analyse de la Révolution Française, dû aux conséquences des sphères de la loi et de la politique qui s'y sont intégrées. La vie de Chauveau-Lagarde était en danger en raison d'une posture qui semblait démontrer des sympathies contre-révolutionnaires. Le fait que Chauveau-Lagarde a survécu donne encore plus d'intérêt à l'analyse de sa vie et de sa carrière et à l'importance de la loi, même dans un moment où le droit paraît suspendu.

MOTS CLÉS: AVOCAT, DÉFENSE, TRIBUNAL RÉVOLUTIONNAIRE, RÉVOLUTION FRANÇAISE, TERREUR.

SUMMARY

This piece of research concerns itself with the legal career of Claude François Chauveau-Lagarde at the time of the French Revolution.

The issues to be analyzed include Chauveau-Lagarde's background information, the legal and political contexts of the time in question, his views on the French Revolution, the stances he came to adopt, and how this affected the manner his life unfolded right up to the end of the Terror. Furthermore, the impact that such behavior had on his post-revolutionary career will be examined, if only to give some idea of how a legal defender of notable counter-revolutionaries could benefit from having acted in such a capacity. Yet the principal aim of my thesis will be to show, through Chauveau-Lagarde's experiences, the extent to which the politics of the Revolution infiltrated the legal framework that came into place following the overthrow of the monarchy.

The legal advocacy that this lawyer provided for his many well-known clients during the Terror provides a unique focal point in analyzing the French Revolution. This is due to the overlapping nature of law and politics during the time in question. For Chauveau-Lagarde's very life would be in danger as a result of the legal position he found himself in, a position which seemed to reflect counter-revolutionary sympathies. The fact that he survived adds greater interest to the analysis of his life and career.

INTRODUCTION

Among the numerous headstones that currently adorn the Montparnasse Cemetery in Paris is one that bears the epitaph "Chauveau-Lagarde: Avocat de la Reine au procès de 1793".¹ The queen in question was Marie Antoinette, widow of King Louis XVI of France. The trial was the one that was attempting to determine her supposed treachery of French interests. In reality, though, it was really nothing more than a show trial meant to appease the anti-monarchic bloodthirstiness of the French Revolution, which had broken out in 1789.² And one of the lawyers who defended her at this time, a time when any kind of association with the counter-revolution could bring about a death sentence, was a former *avocat au parlement* who went by the name of Claude François Chauveau-Lagarde. A product of the Old Regime, the calling of the Estates General on the eve of the Revolution had initially seen Chauveau-Lagarde sympathetic to what was unraveling.³ Yet such a position ultimately did not materialize into more hardened stances on his behalf, as would be demonstrated by the way he responded to the situations that he found himself in throughout the political turbulence of the years to come.

There is no question that Marie Antoinette was Chauveau-Lagarde's most famous client. His epitaph is significant in this regard due to the fact that it makes reference to an event which was only two days in length and which was essentially a charade. For inscriptions that are found on tombstones generally reflect lifelong attributes and achievements, though this one focuses on one event in particular. Yet the role that Chauveau-Lagarde played in Marie Antoinette's ordeal, however he came to occupy that role and however minimal his influence on the outcome of events, became attached with his name and reputation. And the place that his doomed client continues to occupy in the pantheon of history does not make this all that surprising. Therefore his epitaph, though commemorating a trial in which he pleaded unsuccessfully, might be considered appropriate in that regard, and may even be reflective of the esteem he was eventually

¹ Photo accessed at www.landrucimetieres.fr

² To gain an idea of Marie Antoinette's image in the eyes of the French people, see the following collection of essays: Dena Goodman, ed., *Marie Antoinette: Writings on the Body of a Queen* (New York: Routledge, 2003).

³ "Notice biographique", *Fonds Chauveau-Lagarde, BORA Archives privées*. Accessed at: <http://daf.archivesdefrance.culture.gov.fr>

held in for having defended Marie Antoinette. However, aside from acting as the ill-fated queen's advocate in her time of need, this lawyer in particular would distinguish himself by taking on the defence of numerous other individuals who came to be accused by the Revolutionary Tribunal of having engaged in counter-revolutionary activities. Many had acquired a fair amount of notoriety in their day, and that fame, in some cases, has endured right up to the present. What is more, Chauveau-Lagarde would himself be accused on more than one occasion of treachery. Yet he survived the Revolution and would live to see a number of other regimes rule France, which included the Napoleonic Empire, the Bourbon Restoration, and a significant portion of the July Monarchy. However, it is his legal career at the time of the Revolution, notably during the Terror, and the consequences that resulted from his decision to practice when he did and for whom, that offers an interesting lens through which to examine both the legal and political contexts of the time at hand, as well as how these two overlapped with one another.

Furthermore, the reasons which saw Chauveau-Lagarde come to the defence of these supposed traitors to the Revolution, whether voluntarily or not, gives an idea about the manner in which justice existed and was administered during the Terror. This is so despite the fact that such justice may have only been theoretical to begin with, seeing as how the majority of Chauveau-Lagarde's most notable clients were sent to the guillotine following their trials. Nonetheless, his actions in the name of the law at a time of political upheaval such as this not only demonstrates a fair amount of courage on his part, but reflects the extent to which revolutionary politics infiltrated the legal framework following the overthrow of the absolute monarchy. For during the more radical phases of the French Revolution, the atmosphere engendered by the Terror often foreshadowed the fates of those brought before the Revolutionary Tribunal in Paris due to their supposed links with the counter-revolution. This served, above all, as a reflection of how politics and the law of the day came to mingle with one another. Whereas during the Old Regime in France, when the country "was governed by rule of law, but without a formal and fundamental constitution",⁴ these two spheres were linked largely due to the support that French barristers traditionally provided towards those institutions known as the *parlements*. These representative bodies often came into conflict with the Crown. Such vexatious confrontations would oblige those from the legal profession to choose sides. However, the distinctions between the law and politics would become far more blurred with time as the experiences of Chauveau-Lagarde would demonstrate during the Revolution.

⁴ Richard Mowery Andrews, *Law, Magistracy and Crime in Old Regime Paris, 1735-1789* (New York: Cambridge University Press, 1994), 277.

In analyzing the circumstances which saw Chauveau-Lagarde emerge as a legal advocate to those accused of counter-revolutionary activities, and who consequently appeared before the Revolutionary Tribunal, the objective is not only to demonstrate the vacuity of legal rights of those on trial, but to show the extent to which their defenders could be tainted by such an association, though their presence was technically permitted. This will be achieved through a detailed analysis of the trials of the more famous clients that Chauveau-Lagarde found himself representing in a context where verdicts on political crimes often, though not always, had predetermined outcomes. A brief nineteenth century publication on his life best describes this predicament: "De tous les noms illustres qui disparurent au milieu de la tourmente révolutionnaire, il n'est pas peut-être un seul dont M. Chauveau-Lagarde n'ait été le défenseur ou le conseil." These unfortunates "reçurent les preuves de son dévouement toujours empressé, mais trop souvent inutile."⁵ Furthermore, Chauveau-Lagarde was not alone in defending clients of royal blood, and comparisons will be made between his fate and the fates of those who were in this same category of legal advocates. The first chapter will be largely devoted to the historiographical component of this research project. An analysis of the histories dealing with the French Revolution and those with the legal system in place during the Old Regime and afterwards will make up much of this section. Very little biographical work has ever been done on the life of Chauveau-Lagarde. The second chapter will provide background information on the figure being examined, as well as on the political and legal contexts of the time, and proceed with an analysis of a pamphlet he authored just prior to the convocation of the Estates General. This will be used to illustrate the political views he espoused before the Revolution's more radical phase. Furthermore, his legal career shortly before the Revolution gave way to the Terror will be examined here. The third chapter will concern itself with the trials of the more famous individuals that Chauveau-Lagarde took part in during the Terror, as well as his subsequent fate following the eventual prohibition of allowing lawyers to practice before the Revolutionary Tribunal and the fall of Robespierre. It should be noted that the decision to focus more on his well-known clients is deliberate in order to answer both how Chauveau-Lagarde became so caught up with such notorious people, as well as to give some idea in the manner one might proceed in such trials. A general conclusion will briefly analyze his life during the time of Napoleon and afterwards. Overall, this piece of research will illustrate how Chauveau-Lagarde's experiences reflected the extent to which the politics of the revolutionary upheaval infiltrated the legal framework of the time in question.

⁵ M. Vital Pillore, *Éloge de M. Chauveau-Lagarde* (Toulouse: Typographie de Bonnal et Gibrac, 1855), 11.

CHAPTER I

HISTORIOGRAPHICAL COMPONENT

It would hardly be an exaggeration to say that Chauveau-Lagarde's life and legal career has received but the barest of scholarly treatment. In a 1950 biography of Pierre Vergniaud, a Girondin who would become one of Chauveau-Lagarde's clients, author Claude Gernade Bowers wrote, in regards to the lawyer, "It is strange that no biography has been written of this brilliant, courageous, very remarkable advocate who has the audacity to contest with the mob for the lives of many, if not most, of the greatest victims of the day."⁶ The situation is not much different more than sixty years later. The most that can be hoped for is a mention of him in those academic works that address the trials of those very famous individuals whom he found himself defending, along with a few nineteenth century pamphlets which provide a brief overview of his life and career. Some of the latter were published at the time of his death in 1841, simply to mark his passing. While these can be helpful to an extent, more thorough work is required through the analysis of primary sources which relate directly to him, as well as pertinent secondary sources to help place his life and career in proper context. This being said, the latter consist of those works of scholarship which concern themselves with the French Revolution on the one hand, and the history of the French legal profession during the time in question on the other. Only in this manner can the significance of this individual's legal experiences during the Revolution, and more specifically the Terror, become apparent in regards to the vacuity of genuine legal rights.

1.1 Pertinent Historiography

The French Revolution is undoubtedly the most academically covered topic in the history of France. Its traditional length spans from the convening of the Estates General in 1789 right up to Napoleon Bonaparte's *coup d'état* in 1799. There is no shortage of academic scholarship on the topic. Furthermore, the ways in which the French Revolution has been interpreted over the past 200 years has varied widely, to such an extent that there have even been studies done on

⁶ Claude G. Bowers, *Pierre Vergniaud: Voice of the French Revolution* (New York: The Macmillan Company, 1950), 479.

these historical interpretations and the manner in which such perspectives have evolved over the course of time. In the words of historian Steven Kaplan, who is the author of one such study which analyzes a portion of the historiography of the Revolution, "The historiographical debate over the French Revolution began before the event itself had completely run its course. It has continued, with varying range and intensity, ever since."⁷ The most notorious focal point when it comes to the study of the Revolution is the Terror. This is the main issue which divides scholars who choose to debate whether or not the Revolution was good or evil. One might call it a field within a field. Its traditional length is from September 5, 1793, right up to the death of Robespierre on July 27, 1794. The latter date is usually referred to simply as Thermidor. The Terror infiltrated many spheres of life in France, not least of which was the legal sphere. Interpretations of the Terror, like those of the Revolution as a whole, have varied greatly. Its precise length is even an issue.⁸ And episodes of the Terror outside Paris, across the rest of France, have inspired, to a significant extent, their own area of scholarship.⁹

Making up an entirely separate domain of scholarship in its own right is the work which has been devoted to the history of law and the legal profession in France, whether this be during the time of the Ancien Regime or the French Revolution and afterwards. These works are fewer when compared to those done on the Revolution. Yet the manner in which the legal world was affected by the revolutionary upheaval is, unsurprisingly, discussed to a significant extent in the historiography of French law. And in regards to what has been done on the French Revolution, it could be said that when the subject of lawyers comes up, such references are to a certain extent confined to assigning them to a particular social class in French society just prior to the outbreak of 1789, this class normally being the Third Estate. Though it should be noted that the place that lawyers came to occupy in the revolutionary apparatus is elaborated upon when it comes to those famous revolutionaries, Robespierre being the prime example. Men of law in some cases played a very public role in the Revolution, and their legal credentials were often stressed in one way or another.

⁷ Steven Kaplan, *Farewell Revolution: The Historians' Feud: France, 1789/1989* (Ithaca: Cornell University Press, 1995), 17.

⁸ Antoine de Baecque has indicated those times prior to September 5, 1793, which potentially signified the start of the Terror, the earliest being September, 1792. This assertion of his is found in: Antoine de Baecque, "Apprivoiser une histoire déchaînée: dix ans de travaux historiques sur la Terreur", in *Annales. Histoire, Sciences Sociales*. 57e année, N. 4, 2002, 853.

⁹ The Vendée rebellion, and its suppression, is the best known episode of the Terror outside Paris.

Yet in regards to tracing the legal career of Claude François Chauveau-Lagarde during this time, making use of the scholarship produced by both these fields is imperative, largely due to the overlapping nature of law and politics during the most radical phase of the French Revolution. Chauveau-Lagarde was a lawyer formed by the dictums of the Old Regime who, like so many others, found himself enveloped by the maelstrom of the Revolution. His life can be examined through the designation of his place in the society to which he belonged, a society which was continually subject to change, which meant change for his position. Pinpointing this position can be helped by the analysis of the manner in which the French Revolution was viewed by either contemporaries or historians, and how these views evolved from simply seeing the Revolution as good or evil and expanding such perspectives in order to contemplate seeing it in bourgeois and more political terms.

The French Revolution is one of those subjects on which much has been written and where neutrality is often hard to come by. It is an event which, even before it had run its course, aroused violently divergent perspectives from those who would not, by strictly academic standards, be considered historians. This being said, those who have authored famous works on the French Revolution belong to groups which have come to be characterized by the various perspectives that have been adopted on the overthrow of the monarchy and the very bloody aftermath. And some of these classifications existed long before others came about. The earliest ones included the extreme right and the extreme left. With time, a middle position on this most debatable of subjects would come into existence.¹⁰ In regards to the moderate stance, this view refers to those historians who have adopted a somewhat lukewarm attitude to the events that unfolded in favour of liberation from a despotic and autocratic regime. At the same time, they show genuine horror at the excesses of the more radical phases of the Revolution, the result of things having gone horribly wrong despite the best of intentions to begin with. Ideological positions which went beyond simply qualifying the Revolution as good or evil eventually made their presence felt, and these, to a great extent, came to dominate academic study of the French Revolution. The Marxist perspective became firmly rooted during the early part of the twentieth century, and this position eventually gave way to a revisionist one, which emerged to challenge the former view. This being said, another example of a recently established interpretation of the

¹⁰ Kaplan's study on the subject, quoted from above, analyzes components of the French Revolutionary historiography on such a model. He analyzes the work of historians Pierre Chaunu, who occupied a right wing position, Michel Vovelle, who occupied a left wing position, and François Furet, whose ideology was in between.

Revolution is the feminist one.¹¹ Finally, a position known as post-revisionism has come about. Aside from categorizing works by ideological positions, they can also be classed according to specific periods of the French Revolution. These include the years leading up to the Revolution, the Revolution itself, the Terror, which was mentioned above, and its aftermath.

As mentioned, the French Revolution inspired debate before it had run its course. From the initial perspective of European power politics, events in France and the trouble they might cause for the French monarchy were a cause for relief. However, others took a more profound view. Most famous of these views was Edmund Burke's *Reflections on the Revolution in France*. He basically castigated the Revolution as evil. He therefore offered what could be described as one of the first major rightist views in written form.¹² Such a perspective undoubtedly generated responses. And the response which is most generally associated with Burke's attack came from the American revolutionary author Thomas Paine, whose stances praised events in France. These are two of the earliest, late-eighteenth century examples of the right and the left arguing over whether or not the Revolution was positive or negative. That being said, the nineteenth century would generate a plethora of publications on the Revolution. Hedva Ben-Israel's *English Historians on the French Revolution* analyzes the perspectives of nineteenth century English historians on the French Revolution. An interesting observation relates to the distinction between English and French historians, as the latter had a tendency to write on the Revolution in conjunction with the politics of the day. The author states that "The French Revolution played a part in all subsequent French political history and had done this partly through the writings of historians."¹³ However, over the course of the nineteenth century, the seeds were laid for the blossoming of a more specific ideology that would, to a great extent, dominate the academic world on the question of the French Revolution. Firmly established during the first half of the twentieth century was the Marxist interpretation. This view, which was in many regards the total opposite of Burke's, left its mark on many who undertook the task of studying the Revolution.

¹¹ Examples of works analyzing this stance include, among others: Lynn Hunt, *The Family Romance of the French Revolution*. (Berkeley: University of California Press, 1992.); Jean-Clément Martin, *La révolte brisée : Femmes dans la Révolution française et l'Empire*. (Paris : Colin, 2008.) Hunt's work in this regard will be explained to a greater extent later on in this historiographical component.

¹² Burke's *Reflections* contain a reference to the danger that Marie Antoinette was faced with during the early days of the Revolution, and lamented the absence of anyone who might defend her. See: Antonia Fraser, *Marie Antoinette: The Journey* (London: Weidenfeld and Nicolson, 2001), 316. Given Chauveau-Lagarde's eventual position as her lawyer, he might have viewed him in a favourable light.

¹³ This being said, Ben-Israel goes on to insist that "Mignet and Thiers prepared the way for the constitutional monarchy; while Lamartine, Michelet and Blanc did the same for 1848 and the Republic." Hedva Ben-Israel, *English Historians on the French Revolution*. (London: Cambridge University Press, 1968), 275.

The Marxist perspective of the French Revolution revolves around the belief that it was essentially a bourgeois revolution, and that it was the social class that was known as the bourgeoisie which ultimately benefited from the overthrow of absolutism. It takes a fairly, if not overwhelmingly, positive view of the events that unfolded and viewed them as a necessity for the good of mankind, though it should be noted that the bourgeoisie's triumph truly came about with the establishment of the Directory. Social and economic factors were at the center of this interpretation. It was only towards the middle of the twentieth century that this view came to be challenged. This was when the revisionist perspective of the French Revolution eventually made an attempt to replace Marxist beliefs. Such a change in perspectives appears to have made a lasting impact, for as William Doyle puts it, "The economic and social history of the Revolution has languished somewhat since the triumphs of revisionism."¹⁴ These two ways of analyzing the issue at hand took a backseat and made way for a new generation of historians on the overthrow of French absolutism. The bourgeois explanation, therefore, also took a back seat. Yet it should be noted at this stage that though Marxist influence on the French Revolutionary historiography would be replaced to a great extent, there nonetheless remained adherents. Michel Vovelle is one prime example. For he "represented what was commonly called the classical left position."¹⁵ The Marxist perspective had seen the Revolution in both a bourgeois light and as a necessary evil. However, with academics taking a step back to re-evaluate their traditional perspectives, a tendency would develop to apply analysis in other regards. And this analysis is the kind that could help bring Chauveau-Lagarde's position into clearer focus. For the revisionist perspective leaned far more towards the political side of the Revolution than the brand of thinking which had preceded it, and Chauveau-Lagarde's life was nothing if not affected by the politics of his time. This being said, it is important to cast one's gaze to the historiography devoted to the Revolution's origins, for it too was subjected to the changes in scholarly perception that developed.

Georges Lefebvre authored *Quatre-Vingt-Neuf*, a classic of the Revolution's origins. He pointed the finger directly at the bourgeoisie as the prime cause. The English translation went by the name of *The Coming of the French Revolution*. Lefebvre insisted that despite the fact that the nobility and the clergy "preserved the highest rank in the legal structure of the country", "in reality economic power, personal abilities and confidence in the future had passed largely to the

¹⁴ William Doyle, *Oxford History of the French Revolution*, (Oxford: Oxford University Press, 1999), 459.

¹⁵ Kaplan, *Farewell Revolution: The Historians' Feud: France, 1789/1989*, 144.

bourgeoisie.” And the reflection of the bourgeoisie having been responsible was that “The Revolution of 1789 restored the harmony between fact and law.”¹⁶ Revisionist views of the Revolution’s origins emerged by the second half of the twentieth century, and some of these became more inclusive of the class to which Chauveau-Lagarde was quite explicitly a part of. For instance, one of the main issues which related to the argument put forward by Alfred Cobban when he openly challenged the Marxist views was the significant presence of lawyers among those elected to the Estates General as opposed to those members of the bourgeoisie from strictly commercial backgrounds. This was part of Cobban’s argument on how “the Revolution was not the work of a rising bourgeoisie at all”.¹⁷ Chauveau-Lagarde, though not elected to the Estates General, was nonetheless a lawyer. And at first glance, there seems to be a bit of a context in which to place him here. However, as will be pointed out later on, the term “lawyer” could be quite inclusive, and thus create ambiguity regarding the manner this social group perceived the Revolution. Though it should be noted that Chauveau-Lagarde would indeed have an interest in how France should be governed in the wake of the calling of the Estates General, seeing as how he would write a pamphlet expressing his views in this regard.¹⁸ This was reflective of men like him taking an interest in the events in question. This aside, historian Jean Egret published a work which termed the few years leading up to 1789 the pre-revolution.¹⁹ It was titled *La Pré-révolution française, 1787-1788*. This piece of scholarship addresses the issue of the ever-present conflict that existed between the crown and the *parlements*, notably, as the title implies, in the last years of the monarchy.²⁰ Chauveau-Lagarde was an *avocat au parlement*, and hence greatly associated with the representative body. His position can be examined in the context of this conflict. Egret takes a political approach to the years leading up to the Revolution. For him, “the Revolution was the consequence of political struggles, not the uprising of an indignant nation against an oppressive and backward government.”²¹ And another study which complements the revisionist wave regarding the origins of the Revolution is William Doyle’s *Origins of the French*

¹⁶ Georges Lefebvre, *The Coming of the French Revolution*. Translated by R.R. Palmer (Princeton: Princeton University Press, 1989), 2.

¹⁷ William Doyle, *Origins of the French Revolution* (Oxford: Oxford University Press, 1999), 10. This reference comes from a section detailing the historiography on the Revolution’s origins. Doyle’s own perspective on the subject will be referred to.

¹⁸ It was titled *Théorie des États Généraux, ou la France régénérée*.

¹⁹ Historian Munro Price, in a work which will be referred to later on, points out this period in French history when he states that “The dismissal of Calonne sparked two years of growing unrest that historians have given their own, rather cumbersome name: the pre-Revolution.” See: Munro Price, *The Road from Versailles: Louis XVI, Marie Antoinette and the Fall of the French Monarchy* (New York: St Martin’s Press, 2003), 24.

²⁰ Jean Egret, *The French Prerevolution, 1787-1788* (Chicago: The University of Chicago Press, 1977), ix.

²¹ *Ibid.*, xvi.

Revolution. It was meant "to offer an explanation of why the *ancien régime* fell, and what those who inherited power as a result hoped to achieve." Yet Doyle points out that the course the Revolution followed after 1789 was "unpremeditated, unpredictable and unpredicted."²² Furthermore, he insists on the following: "The principles of 1789... cannot be identified with the aspirations of any one of the pre-revolutionary groups."²³ With this in mind, given that no one could foresee the Terror, it is understandable why someone who may have been initially sympathetic to the Revolution might just turn against it. And this is another way to contextualize Chauveau-Lagarde's experiences. And his place in society can emerge more fully when analyzing the works of those titans of the revisionist approach on the Revolutionary events themselves.

Among the pioneers of the new brand of thinking on the French Revolution, François Furet made himself known as one of the most famous of revisionist historians. As Kaplan writes, he "associated social history with a sterile conception of people "immersed in an opacity." In its place he advocated "a history of the explicit" which he construed as a "history of politics.""²⁴ Furet at one point held communist beliefs, but these eventually evaporated, which had an immense effect on how he came to view the French Revolution. Indeed, "the Revolution has seldom been written about in isolation from contemporary politics."²⁵ This reflection is similar to how nineteenth-century French historians approached the Revolution. For that matter, communism as a whole was beginning its slow disintegration in the latter half of the twentieth century, as was demonstrated by the eventual fate of the Soviet Union. In regards to the most radical phase of the Revolution, Furet was implacably opposed to the carnage wrought by the Terror.²⁶ Such disapproval became a shared viewpoint among certain, if not many, revisionist historians. This being said, if the road to Hell is paved with good intentions, than for Furet, 1789 was the Revolution of good intentions, while that of 1793 was the road to Hell.

Alfred Cobban, mentioned above, has been described as one of the fathers of English revisionism.²⁷ In the Introduction to a revised edition of Cobban's *The Social Interpretation of the French Revolution*, Professor Gwynne Lewis has described the book as "a work which was to

²² Doyle, *Origins of the French Revolution*, 41.

²³ *Ibid.*, 194.

²⁴ Kaplan, *Farewell Revolution: The Historians' Feud: France, 1789/1989*, 102-103.

²⁵ Doyle, *Oxford History of the French Revolution*, 451.

²⁶ Kaplan, *Farewell Revolution: The Historians' Feud: France, 1789/1989*, 87.

²⁷ Doyle, *Origins of the French Revolution*, 35.

become the handbook of revisionism for a new generation of Anglo-Saxon scholars."²⁸ Furthermore, one of the main qualities of Cobban's book is "its dismissal of abstruse arguments and heavy sociological theorising in favour of a direct attack on the key controversial issues."²⁹ Furet and Cobban aside, attention should be drawn to the year 1989, which saw a plethora of studies on the Revolution emerge for public consumption to celebrate the bicentennial of the event in question. The year was therefore seen as a time to commemorate, as well as contemplate, what had been brought about 200 years before. Through these works, the impact of revisionism was made apparent. Yet with this being said, historian Bailey Stone has offered the opinion that "no explanatory paradigm currently dominates the field of revolutionary studies." Stone adds that the current trend "is a somewhat decentralized but no less fruitful dialogue between advocates of one or another brand of "social revisionism," on the one hand, and ever-multiplying proponents of "political-cultural" and "new cultural" analysis, on the other."³⁰ With this comment in mind, Donald Sutherland's *France, 1789-1815: Revolution and Counterrevolution*, though of a revisionist nature, takes more of a social rather than a political approach to the Revolution.³¹

Aside from Furet's *La Révolution*,³² which adopted a position that was somewhat in between both extremes of the historical divide of opinion on the Revolution, there have been a number of other works, many from English language scholars. Simon Schama's *Citizens: A Chronicle of the French Revolution*, is wide in its scope and apparent in its revisionist message. It condemns the use of violence that was employed by the Revolution to achieve its ends. Indeed, towards the conclusion of the account, Schama ponders on why the Revolution was "powered by brutality".³³ Overall, it is fairly right wing in its interpretation. It provides a section on the reign of King Louis XVI, and almost seems to paint that time as a sort of golden age. The study ends with the death of Robespierre in 1794. Aside from this work of scholarship, William Doyle's *The Oxford History of the French Revolution*, which could be said to complement his other book mentioned above, is not as right-wing, but nonetheless concludes by stating that the Revolution

²⁸ Alfred Cobban, *The Social Interpretation of the French Revolution* (Cambridge: Cambridge University Press, 1999), xiv.

²⁹ *Ibid.*, xvi.

³⁰ Bailey Stone, *Reinterpreting the French Revolution: A global-historical perspective* (Cambridge: Cambridge University Press, 2002), 9.

³¹ Donald Sutherland, *France, 1789-1815: Revolution and Counterrevolution*. (London: Fontana, 1985.) Sutherland writes, in regards to these years, that "The history of the entire period can be understood as the struggle against a counterrevolution that was not so much aristocratic as massive, extensive, durable and popular." See: Sutherland, *France, 1789-1815: Revolution and Counterrevolution*, 14.

³² François Furet, *La Révolution I: De Turgot à Napoléon (1770-1814)*. (Hachette: 1988).

³³ Simon Schama. *Citizens: A Chronicle of the French Revolution*. (New York: Vintage Books, 1990), 860.

was "in every sense a tragedy."³⁴ This relates to what he sees as the positive things that the Revolution could have accomplished, had it not been completely blown off course. Furthermore, for him, the revolution ends in 1802. This was when Napoleon was sworn in as First Consul. Doyle terms this year as "the burial of the Revolution."³⁵ Through the examination of such works, a debate arises about when the Revolution truly did come to an end. Furet himself places the end of the Revolution around the mid 1870's, seeing as how this was when French republicanism was firmly and finally established in the country, with the chance of a restored monarchy subdued.³⁶ Aside from this, in regards to the shift in perspectives brought about by revisionists, the general approval which was once assigned to the Revolution by Marxists due to the supposed benefits it brought about gave way to criticism instead. And it is against this background of criticism of the Revolution's excesses that the actions of supposed counter-revolutionaries can be accorded a second, more analytical glance, even sympathy.³⁷ And Chauveau-Lagarde's fate would ultimately be bound up with such individuals. This is therefore one manner in which the revisionist way of thinking can help to contextualize his position in French society, as well as to what his experiences can tell us about the Revolution.

Other than these studies on the more general viewpoint of the Revolution, a newer perspective on the event which has made its presence felt is what is known as the feminist perspective. In other words, what the Revolution meant in women's eyes, or what it meant for them. Lynn Hunt, for example, is one, among others, who has taken up the challenge of writing from this perspective. In her work *The Family Romance of the French Revolution*, though it means above all to study the Revolution on a familial model, the roles that women were assigned within French society in general is greatly discussed. For instance, there was the role of the patriotic mother whose responsibilities revolved around raising good patriotic children. This being said, there were consequences for those who stepped out of line. Women who did this could often find themselves on the receiving end of revolutionary anger, and accusations of crimes against the well-being of the Republic were often a pretext to dispose of those females who

³⁴ Doyle, *Oxford History of the French Revolution*, 425.

³⁵ Ibid., 390.

³⁶ Furet, *La Révolution I: De Turgot à Napoléon (1770-1814)*, 7.

³⁷ An account on the Revolution from the perspective of the royal family and their agenda during the events in question was recently published by Munro Price. Titled *The Road from Versailles*, (and referred to above) it ends with the execution of Marie Antoinette. It is a detailed analysis of the true motives of Louis XVI and the queen. It shows the extent to which they attempted to try and stop the revolution, and remains quite sympathetic in its portrayal towards them. Revisionism has undoubtedly left its mark on works such as these, in some cases due to the sympathy meted out to those who have traditionally been so wickedly traduced over the centuries.

crossed the boundaries established by the Revolution. Chauveau-Lagarde's career could be examined against this background as most of his notable clients were indeed women, with more than one being accused of unnatural behavior.

Two of the Revolution's most crucial turning points were those episodes known as the Terror and the Thermidorian Reaction. The Terror has forever castigated the Revolution in the most negative of lights. The image most associated with it is the guillotine mechanically executing supposed traitors to the Revolution. Those scholars who have adopted a positive attitude to the Revolution often see this phase as a necessary evil for the progress of humanity. Others take a rather different approach, often a rather more negative perspective. Yet when analyzing the Terror, it does not suffice to simply deem it as good or evil, but to understand what this event truly signified about the course the French Revolution ultimately took.³⁸ Both the origins of the Terror, and the meaning of the path it took are of interest. For this would have important implications for Chauveau-Lagarde's legal career during this time, as well as his life, due to the Terror's role in the merging of the legal and political spheres. Antoine de Baeque, whose article was cited above, brings up the question regarding how and why the Terror emerged, and writes the following: "L'historiographie l'a longtemps considérée ainsi: un mystère monstrueux, une parenthèse inexplicable, ou même un sursaut d'orgueil inconcevable."³⁹ He addresses the issue of the Terror's origins, and gives the opinion that has long been the custom: "la Terreur fut une circonstance exceptionnelle imposée par une histoire elle-même exceptionnelle; elle est inhérente au discours des révolutionnaires." More specifically, a number of works have emerged which "refusent la distinction trop nette entre "circonstances" et "fatalisme idéologique""⁴⁰ Yet he insists that other ways of thinking about the Terror are important. And this being said, aside from viewing this phenomenon in specifically ideological and circumstantial terms, it is worth noting the extent of the Terror's reach, for it was not merely a Parisian occurrence but made its presence felt across the country. And the manner of studying it could relate to the analysis of individuals as much as of events.

³⁸ For instance, Furet insisted that his work was meant to promote "l'idée que le caractère dictatorial du gouvernement révolutionnaire n'est pas simplement, ou seulement, le produit d'une réaction de défense devant les périls, mais aussi la manifestation d'une virtualité de la culture politique de la Révolution française." Furet, *La Révolution I: De Turgot à Napoléon (1770-1814)*, 508.

³⁹ Antoine de Baeque, "Apprivoiser une histoire déchaînée: dix ans de travaux historiques sur la Terreur", in *Annales. Histoire, Sciences Sociales*. 57e année, N. 4, 2002, 851.

⁴⁰ *Ibid.*, 852.

The works of scholarship dealing with the Terror are fairly numerous. An early example, written by American historian R. R. Palmer, deals with the Committee of Public Safety and their actions. Titled *Twelve who Ruled*, it analyzes the Terror through the men who made up the infamous committee. In the Preface to the Bicentennial Edition, Palmer describes his work as “a narrative, a story of one climactic year, and so hardly reflects the new departures in the writing of history in the past half-century”. Furthermore, “the book sees the French Revolution mainly “from above.””⁴¹ The Terror is examined through these men’s actions at the head of the Revolutionary government. More recent work, however, is available, written by those who have had greater access to primary sources in France. Timothy Tackett’s *When the King took Flight* merits a mention due to the fact that it analyzes in great detail the flight to Varennes, which saw the king and his family attempt to escape from France. Their actions in this regard made plain the king’s unwillingness to accept the constitutional limits that had been placed on his power. This event played a significant role in France’s road to Terror, which is the main point that Tackett attempts to emphasize throughout this study.⁴² Indeed towards the end, Tackett clearly defines how the king’s flight led to Terror, and speculates on what may have occurred had he succeeded in his flight, or had he not tried to escape in the first place.⁴³

Aside from this work, the Terror itself is dealt with elsewhere. One notable example is David Andress’ *The Terror*. It starts from the flight to Varennes, and covers not just events in Paris but across the country as well. For instance, he describes events in the city of Lyons in great detail. Throughout, the Terror is portrayed in rather grisly details. But as to how the Terror came about, Andress qualifies this as “above all the consequence in real civil war of a failure of consensus that had edged steadily closer to complete collapse for over three years.”⁴⁴ The Terror emerged due to the path the Revolution had taken up to that point, and it was this path which led to those at the helm of the revolutionary government to take extreme measures in order to survive. This being said, Sophie Wahnich’s *In Defence of the Terror* provides a more positive view of the event in question. It insists that the Terror was employed in order to prevent further disorder and bloodshed from spreading around the rest of France. In other words, to contain the

⁴¹ R. R. Palmer, *Twelve Who Ruled: The Year of the Terror in the French Revolution* (Princeton: Princeton University Press, 1989), Preface.

⁴² Timothy Tackett, *When the King Took Flight* (Cambridge: Harvard University Press, 2003), 2.

⁴³ While speculating on what might have happened had Louis chosen to work with the new regime, Tackett writes “Might France have then evolved peacefully toward genuine democracy – following more closely the path of events in the United States?” Ibid., 220.

⁴⁴ David Andress, *The Terror: The Merciless War for Freedom in Revolutionary France*. (New York: Farrar, Straus and Giroux, 2007), 5.

carnage.⁴⁵ And yet another example of how it can be analyzed is from the legal perspective. A work by Jean-Marc Varaut, titled *La Terreur Judiciaire*, addresses how the Terror infiltrated the legal sphere.⁴⁶

The Terror eventually gave way to the Thermidorian reaction. The classic account of this occurrence remains Georges Lefebvre's *The Thermidorians*. The concluding chapter points out how the Thermidorians, though having "inveighed against the despotic actions of the revolutionary government," were nonetheless responsible for bringing about the White Terror after having suppressed the Red Terror. However, he insists that "the great majority of them were honest men and that they suffered from a lack of first-class leaders."⁴⁷ This time in question, both the Terror and afterwards, is important due to the fact that Chauveau-Lagarde was imprisoned prior to the fall of Robespierre, but was released afterwards. And there had also been a law, known as the *Law of 22 Prairial*, that was passed which prohibited the use of lawyers defending those brought before the Revolutionary Tribunal. This put a halt on Chauveau-Lagarde's career during the most dangerous phase of the Revolution, but it was eventually repealed. Yet by the time it was passed, he had already defended his most famous clients. And against the background of the political context created by the Thermidorian reaction, Chauveau-Lagarde's life can be analyzed due to the manner he would have been perceived, having defended accused counter-revolutionaries and having been imprisoned by the revolutionary government.

Aside from the historiography on the Revolution itself, there is also that which relates to the law and legal profession of the time and place in question, namely the Old Regime and Revolutionary France. In dealing with the position that Chauveau-Lagarde occupied in society, there are categories to classify pertinent works of scholarship, yet these classifications are based not so much on ideology as opposed to the different ways of examining the law and the legal profession. This being said, when it comes to placing Chauveau-Lagarde in proper context, there are scholarly works which deal in a fairly general way with how French law and the French legal profession was affected by the Revolution on the one hand. And then there are studies which revolve around the more specific aspects of Chauveau-Lagarde's place in the legal world, for

⁴⁵ In the foreword, Slavoj Žižek writes that Wahnich "demonstrates how this Terror was not an uncontrolled explosion of destructive madness, but a precisely planned and controlled attempt to prevent such an explosion." See: Sophie Wahnich, *In Defence of the Terror*. (Verso Press USA, 2012), xiii.

⁴⁶ Jean-Marc Varaut, *La Terreur Judiciaire: La Révolution contre les droits de l'homme*. (Paris: Perrin, 1993).

⁴⁷ Georges Lefebvre, *The Thermidorians* (London: Routledge & Kegan Paul, 1965), 187.

instance the Order he formed a part of. The studies to be dealt with here are fewer in number when compared to the amount done on the revolutionary upheaval. Yet those that have been produced are of great value to the scholar who is analyzing either the legal profession in general or a specific member of that profession, such as Chauveau-Lagarde. As one modern day source puts it, in regards to the scholarly work on lawyers, "la littérature est considérable, dont une grande partie disséminée dans des essais, des recueils de souvenirs ou d'innombrables discours de rentrée a été produite par les avocats eux-mêmes."⁴⁸

The manner in which the French legal apparatus was affected by the Revolution relates to the environment that, to a great extent, formed part of the background to Chauveau-Lagarde's experiences. Isser Woloch's *The New Regime: Transformations of the French Civic Order, 1789-1820's* is largely a study of "the framework... for the collective public life of the French people."⁴⁹ The book addresses the changes brought upon the legal landscape, though this is not the entire focus of the study. What Wolloch hopes to achieve is to "better assess the profound but open-ended impact of 1789 on the civic order."⁵⁰ Aside from addressing the subject of lawyers and the French Revolution, other issues are discussed, one example being the place that juries came to occupy in a trial setting. This being said, another work which addresses the issue of juries at the time in question is Robert Allen's *Les tribunaux criminels sous la Révolution et l'Empire, 1792-1811*. Such studies help illuminate the context of the legal world Chauveau-Lagarde came to inhabit, and juries are mentioned because they became such an important component of the legal sphere engendered by the Revolution, despite the fact that the outcome of Chauveau-Lagarde's trials before the Revolutionary Tribunal owed more to the political atmosphere of the time than an impartial jury, if only because his clients were so notorious.

When it comes to how the legal profession was affected by the French Revolution, if one is looking for a comparative study, Michael Burrage's *Revolution and the Making of the Contemporary Legal Profession: England, France and the United States* is an ideal example. As the title implies this work examines the effects of revolution on the legal profession not only in France but in England and America as well during their times of political upheaval.⁵¹ In regards

⁴⁸ Jean-Pierre Royer et al., *Histoire de la justice en France du XVIIIe siècle à nos jours* (Paris: Presses Universitaires de France, 2010), 149.

⁴⁹ Isser Woloch, *The New Regime: Transformations of the French Civic Order, 1789-1820's* (New York: W. W. Norton & Company, 1994), 14.

⁵⁰ *Ibid.*, 427.

⁵¹ Michael Burrage, *Revolution and the Making of the Contemporary Legal Profession: England, France and the United States*, "General Editor's Introduction", (Oxford: Oxford University Press).

to England and America, the times of upheaval in question are the Glorious Revolution for the former and the War of Independence for the latter. This being said, throughout much of the book, the author's "primary concern has been to report on what happened to each of the three legal professions before, during, and after their revolutionary encounters." This being the case, up to a certain point in the book, "Narrative has therefore taken precedence over cross-societal comparisons." Yet this latter form of analysis makes up the last section.⁵² And in regards to the French legal profession and the French Revolution, Burrage has this to say on the subject of "advocates": "They carried with them a memory of their former independence and a sense that a great wrong that had been inflicted on them which they were determined to reverse."⁵³

Aside from this work, there are those that deal specifically with lawyers in France. Lucien Karpik is the author of *French Lawyers: A Study in Collective Action, 1274-1994*. This work spans a period of over seven hundred years. Karpik, in his Introduction, defines this work with the answer to the following question: "What marks these seven centuries of evolution?" First of all, "It is a history of *extreme swings*", one of "*great shifts*" as well as "a history of the trials of a body which continues to display the contradictory twin image of *solidity* and *fragility*, sometimes at the same time." The first of these characteristics refers to its far from smooth evolutionary path over the centuries. The second regards its change in interests during the time in question. And the third concerns its continually precarious position.⁵⁴ Aside from this example, Hervé Leuwers has also contributed to this field. One study which he has written is titled *L'invention du barreau français 1660-1830: La construction nationale d'un groupe professionnel*. The time it ends is when Charles X, brother of Louis XVI, was forced to abdicate the throne. The seventh chapter is titled "Une profession disparaît". It concerns itself with the tribulations of the legal world in France during the years of revolution. Towards the end of this portion, Leuwers affirms that "les avocats ont été profondément affectés par les réformes constituantes." For instance, "À examiner leurs parcours, après 1790, on est avant tout frappé par le grand nombre de ceux qui disparaissent de la vie judiciaire." Yet even more interesting is the following comparison between those lawyers of the Old Regime and the New: "alors que l'avocat d'Ancien Régime n'exerce pas nécessairement, le défenseur officieux assure toujours une mission

⁵² Ibid., 577.

⁵³ Ibid., 201.

⁵⁴ Lucien Karpik, *French Lawyers: A Study in Collective Action, 1274 to 1994*. Translated by Nora Scott. (Oxford: Clarendon Press, 1999), 1-2.

de conseil ou de défense”.⁵⁵ This category, though not listing all the literature that could be included, nonetheless provides a fairly broad, legal context in which to analyze what shaped the life and career of someone like Chauveau-Lagarde. His experiences need not only be examined against the background of the Revolution, but against the background of the legal sphere as well. And the legal sphere can be narrowed even further when it comes to what kind of lawyer Chauveau-Lagarde was before the Revolution broke out.

In France during the Old Regime, there were Orders to which certain lawyers, or *avocats*, belonged to. In Chauveau-Lagarde's case, this was the Parisian Order of Barristers. There are works which analyze this subject more specifically than others. One example is David Bell's *Lawyers and Citizens: The Making of a Political Elite in Old Regime France*. It traces the development of the legal profession in France from 1660, during the reign of King Louis XIV, right up to 1790. Throughout the account, Bell describes the place that lawyers occupied in relation to the *parlements* and the Crown, which was an important aspect of their identity. For example, there is a significant amount of detail concerning one notable aspect of this famous tension between the two political entities. This was the movement known as Jansenism, which the barristers of the time in question greatly defended. Jansenism was a branch of Catholicism which had earned the disdain of official Crown policy. The *parlements*, however, took a more favourable view. Hence the position that barristers took, as they were traditional supporters of these representative institutions. Jansenism, however, is merely referred to here in this historiographical analysis as an example of the numerous aspects that constituted the fraught relationship between the crown and the *parlements*. It does not relate to Chauveau-Lagarde's position, but it is nonetheless an example of one of the fractures that was present in the hierarchy of the Old Regime. Bell's focal point in this study is the Parisian Order of Barristers, however. Furthermore, he draws on the circumstances of particular individuals associated with the legal profession when illustrating certain points, one example being the career of the famous lawyer Target. The account ends with the dissolving of the Order at the start of the Revolution. Aside from this, there is another study which fits into this category, written by Michael P. Fitzsimmons titled *The Parisian Order of Barristers and the French Revolution*. This work deals specifically with the group that Chauveau-Lagarde formed a part of, and it even mentions him from time to time, such as when he defended Marie Antoinette. And this work details the time period spanning from the start of the reign of Louis XVI in 1774 right up to 1815, when Napoleon was defeated.

⁵⁵Hervé Leuwers, *L'invention du barreau français 1660-1830: La construction nationale d'un groupe professionnel*. (Paris: École des hautes études en sciences sociales, 2006), 255.

The manner in which it is divided reflects its focus on how the Revolution affected the Order. For the first chapter is devoted to the whole of the reign of Louis XVI prior to the start of the Revolution in 1789. Yet the following chapters deal with significantly shorter periods of time, which is due to how the severe revolutionary mood swings affected the Parisian Order of Barristers. For one thing, in the earlier, calmer climate, it was abolished. Yet as time went on, Fitzsimmons demonstrates how the radical excesses of the French Revolution alienated those lawyers who had belonged to the Order. As he writes, "The Terror had deeply shaken the former *avocats au Parlement*".⁵⁶ The last three chapters explain how they attempted to regroup after the ordeal they had been through. Therefore, the two works described here, due to the extent their content relates to Chauveau-Lagarde's life, are important for contextualizing both him and his career.

As mentioned, Chauveau-Lagarde's life has not received much biographical attention over the years. Therefore, it becomes necessary to make use of those biographies of the very famous individuals whom he defended. And details on the trials he took part in are provided as well. For instance, biographies on Marie Antoinette are available in abundance in both English and French. The descriptions of her trial inevitably give information on who provided her defence and what steps they took in preparing it, as well as the extent to which the trial could be considered fair. Though such biographies may be popular rather than strictly academic, especially by University standards, they can nonetheless provide important information. Certain authors who have written on the queen include Antonia Fraser and Evelyne Lever.⁵⁷ To an extent, the same could be said about books that deal with others whom Chauveau-Lagarde defended before the Tribunal, such as General Francisco Miranda, Charlotte Corday and Madame Élisabeth. Also, though Chauveau-Lagarde did not defend King Louis XVI, having an account of his trial, which is provided by historian David Jordan, is useful for comparative reasons, given the fact that there were different circumstances when, for instance, Louis and Marie Antoinette were tried and condemned. Finally, there have been the occasional works of those who, along with Chauveau-Lagarde, fall into that special category of legal advocates who acted as counsel for the king and queen in their time of peril. Though in the case of the famous barrister Malesherbes, who helped represent Louis XVI, there has been a significant amount of scholarship devoted to his career.

⁵⁶ Michael P. Fitzsimmons, *The Parisian Order of Barristers and the French Revolution* (Massachusetts: Harvard University Press, 1987), 111.

⁵⁷ Antonia Fraser, *Marie Antoinette: The Journey*, (London: Weidenfeld and Nicolson, 2001.); Evelyne Lever, *Marie Antoinette*. (Paris: Fayard, 2002.)

The majority of the works mentioned deal with the time period of the French Revolution. Yet Chauveau-Lagarde would live until 1841. Aside from this, his career would also flourish due to his insistence on continuing to practice law. For instance, during the time of Napoleon, he would be made an advocate of the Council of State. During the time of the Restoration, he would be ennobled by King Louis XVIII. One of the honours he received was the famous *Légion d'Honneur*. In 1828, he joined the *Cour de cassation*. The flourishing of his career during the Restoration was due to the fact that he had defended members of the royal family before the Revolutionary Tribunal. The year 1816 was when he published his account on the trials of Marie Antoinette and Madame Elisabeth. One work in particular which could be employed to analyze his post-revolutionary career is titled *Nobles in nineteenth-century France* by David Higgs. Though Chauveau-Lagarde's career during this later time will receive briefer treatment, it is nonetheless something which merits mentioning. This is due to the length of his legal profession, as well as because during these years, his actions during the French Revolution were not forgotten.

1.2 Problématique

A substantial portion of graduate work in history that is done nowadays often revolves not so much around a certain individual as it does around the examination of a particular phenomenon that extends over a significant period of time. My Master's thesis, however, though focusing on an aspect of the life of a single individual associated with the French Revolution, does not aim to simply be a biographical study. Rather, in analyzing the legal career of Claude François Chauveau-Lagarde at the time of the Revolution, most notably during the Terror, my intention is to use this portion of his life to examine the overthrow of the French monarchy from a perspective that could be said to have emerged from the meshing of the legal and political contexts of the time in question. Or more specifically, from the perspective of the legal counselor who acted as an advocate to so many notable individuals accused of counter-revolutionary activities, some of whom were outright monarchists, who were condemned to death, and whose trials were sometimes mere formalities.

Examining the French Revolution through Chauveau-Lagarde's experiences can be brought about several ways. One is to look at his position as a lawyer during the Old Regime and how this determined his reaction to the Revolution's outbreak. Another is to examine his decision

to continue practicing as a lawyer despite what the Revolution meant for someone in a position such as his. Finally, in examining his presence as a legal advocate to accused counter-revolutionaries during the Terror, one can see not only how the law became subservient to the politics of the day, but how this could place him in personal danger. This is noteworthy due to the political implications in regards to his role as a lawyer. Yet on top of this, how and why he came to occupy such a position merits consideration. Did his continued presence as a lawyer to those accused and brought before the Revolutionary Tribunal have any use? The radical direction the Revolution swung in following the failure of the proposed constitutional monarchy, and especially after the execution of King Louis XVI, provides a perfect context to examine a question such as this. Furthermore, the consideration mentioned above is not only due to the danger he found himself in, but what his situation meant because he survived the ordeal. For given the fact that Chauveau-Lagarde lived from 1756 to 1841, his life spanned a number of different political regimes that emerged from various political upheavals and which enveloped the whole of France. How his career unfolded over the course of that time merits reflection as well, given his actions during the Revolution and how these affected how he was regarded afterwards.

Specifically, the period of time that will be examined in great detail will be those years from 1789, when the French Revolution broke out, following the assemblage of the Estates General, right up to the overthrow of Robespierre, which marked the end of the Terror. Chauveau-Lagarde had been imprisoned due to the radical nature of the Revolution, and thanks to the fall of Robespierre, escaped the possibility of being sent to the guillotine. Yet it should be noted that towards the end of 1795 also happened to be when Chauveau-Lagarde escaped with his life for what could be argued to have been the third time after having been implicated in the royalist rebellion of the 13 vendémiaire. The manner through which I intend to illustrate the development of his career relates to the changes brought upon the practice of law during the political upheaval that resulted from the Revolution, though I will also provide background information on his formative years and the influences which shaped that earlier part of his life. Furthermore, given the historical prominence of his clients during the Terror, was the fact that he found himself before the Revolutionary Tribunal as an advocate for such a group of people coincidental, or was it something more than that? Did the Revolutionary Government purposely continue to choose him simply because he had defended previous notable counter-revolutionaries, and they just needed someone to complement the trials which, in many cases, were no more than charades? How enthusiastic was Chauveau-Lagarde in his acceptance of undertaking such clients? These are all questions that will be answered across the course of this piece of research to

the best of my ability. It should be added that his legal practice came to a halt when lawyers were eventually banned from defending those brought before the Tribunal. Overall, the aim of my research is to contextualize the situation that this particular lawyer came to occupy in Revolutionary France, as well as the ideological position he came to adopt as events continued to unfold.

Given the time frame mentioned above, it is worth mentioning at this stage that just prior to the major events of 1789, Chauveau-Lagarde published a pamphlet due to the announced convocation of the Estates General, a publication which shed light on his political positions at the time. This pamphlet, titled *Théorie des États Généraux, ou la France régénérée*, is one of the major primary sources this research endeavour will make use of. If the views shown here were not universally hostile to the Revolution, they therefore reflect the perspective of someone whose views regarding the political upheaval most certainly turned against it, which could be seen in the legal position he chose to occupy with time. For it should be remembered that Chauveau-Lagarde would continue to practice as a lawyer both during the early and later stages of the Revolution when numerous others would not. This demonstrates an admirable devotion both to the profession he chose to follow as well as to the law.

However, there are numerous other primary sources that will be employed. The nature of such sources is of importance, as they can have a variety of different meanings, which can relate to their contents, why they were written or in regards to who authored them. And the manners in which they are accessed should also be stressed. For example, the pamphlet mentioned above could be viewed electronically. And others can be examined in such a way as well. For instance, there is a nineteenth century publication which not only provides brief biographical information on Chauveau-Lagarde, but includes a transcript of the speech he gave in defence of General Miranda, a client of his who was acquitted.⁵⁸ A source such as a recorded speech, and in this case one which led to a successful outcome at a trial, is significant due to what kind of rhetoric was employed to bring about a legal victory. And wherever possible, other publications that include portions of Chauveau-Lagarde's speeches and writings will be employed when necessary. This being said, in 1816, there emerged Chauveau-Lagarde's account of the trials of Marie Antoinette and Madame Elisabeth. This latter source was published during the Restoration, so it would be unsurprising if it was written partly to gain favour from the restored monarchy, but also reflects a

⁵⁸ This speech was located in : *Annales du Barreau Français, ou Choix des Plaidoyers et Mémoires les plus remarquables*. (Barreau Moderne, Tome XII. Paris: Guilbert, Libraire-Éditeur, 1847.)

capacity for adapting to changing political circumstances, which is an important aspect of Chauveau-Lagarde's life.⁵⁹ In fact, in regards to having to behave in this manner, Pierre Serna writes that "c'est d'avril 1814 à décembre 1815, en ces vingt mois qui s'écoulent du retour de l'Empereur à la seconde Restauration, que naît progressivement et de la façon la plus polémique qui soit, la figure de la girouette."⁶⁰ Chauveau-Lagarde's memoir in particular has been employed by many modern day authors who have written on Marie Antoinette.

There are other examples of sources to be found online, such as certain memoirs which have been left behind and which make mention of Chauveau-Lagarde's experiences. Yet some material which cannot be examined in the same manner includes what is of use in the Archives Nationales, located in Paris, France. Aside from printed biographical pamphlets published at the time of Chauveau-Lagarde's death, there are numerous letters that were written to him. In regards to the latter, the majority were written after the time period being examined, that is, after the French Revolution and during the regimes which emerged. However, the importance of these sources could be said to relate to the manner in which he was addressed, which helps in tracing his subsequent career and by extension the benefits of his actions during the French Revolution. Though it should be noted that it is mainly the circumstances surrounding the more notable trials during the Terror, those which saw Chauveau-Lagarde appointed as a defender of supposed counter-revolutionaries, which will be focused on, often to discover how he came to occupy such a position.

To examine the French Revolution through Chauveau-Lagarde's experiences is to see it through the eyes of someone of the Old Regime who flirted with the doctrines of 1789 but who was ultimately repelled by them. Yet throughout the worst of the revolutionary upheaval, he maintained his position as a lawyer. In this position, he would become tainted by association with some of his clients, a genuine reflection of law and politics intermingling at the time. For the presence of a lawyer at one's trial was technically permitted, despite potentially being a mere formality. His life would be in danger, yet he ultimately escaped the Revolution's clutches, and his seemingly heroic actions during the Terror would be perceived in a positive light by later regimes. The French Revolution was a defining moment in European history. But the sides that one adopted at some point during this momentous event could have significant effects on that

⁵⁹ Such a phenomenon, changing with the political times, is explored in: Pierre Serna, *La République des Girouettes* (Paris: Champ Vallon, 2005).

⁶⁰ Ibid., 194.

person's life, something which is seen in Chauveau-Lagarde's experiences after he survived being sent to the guillotine.

1.3 Methodology

Specifically defining the kind of research I have undertaken in analyzing Chauveau-Lagarde's experiences during the Revolution⁶¹ relates to the manner I will examine the sources available. The primary sources to be dealt with vary from one another in many regards, even when certain ones could be said to fall in the same category. They consist of pertinent writings that Chauveau-Lagarde himself left behind, those writings, notably memoirs and letters, by contemporaries which make some reference to him, as well as various documents that can be found which might bear some relation to his life and profession, of which there are many examples in the Archives Nationales. Newspaper references will also be used. And in regards to all the sources employed, it will be borne in mind where they originated from and the extent of their credibility.

This piece of research is to a great extent a case study.⁶² This being said, a distinction between some of the various kinds of studies that are brought about in the field of history is warranted. For instance, quantitative research often provides statistical information in drawing conclusions. That is not the case here.⁶³ A case study focuses on a single subject. And it is worth mentioning that, despite its specific qualifications, it also differs from that other kind of research known as microhistory.⁶⁴ Microhistory has something of a different focal point than a case study. For microhistory focuses on a number of relationships between individuals. Such relationships could be economical, social or professional. Case studies, by contrast, concentrate on a single individual. And one of the aims of my research is to place Chauveau-Lagarde in the context of his times. What is more, he was not just anyone picked at random to study. I will illustrate his

⁶¹ For instance, is it a case study or microhistory?

⁶² A prime example of a case study is Pierre Serna's *Antonelle: Aristocrate révolutionnaire, 1747-1817*. He writes, in regards to his own work, "Ni biographie exemplaire, ni biographie typique, ce qui est tenté ici, c'est la conduite d'une étude de cas". See : Pierre Serna, *Antonelle : Aristocrate révolutionnaire, 1747-1817*. (Paris: Éditions du Félin, 1997), 23.

⁶³ Yet statistics will be employed regarding those who were acquitted as opposed to those who were sentenced to death (or another fate) by the Revolutionary Tribunal. They can be found in: *Actes du Tribunal Révolutionnaire*, Recueillis et commentés par Gérard Walter (Mercure de France, 1968), XXVIII-XXXI. They will be referred to later on.

⁶⁴ Microhistory has a prime example in Carlo Ginzburg's *The Cheese and the Worms*. The main character was to a great extent plucked from obscurity, whereas Chauveau-Lagarde is not. Despite the fact that Chauveau-Lagarde is part of the Third Estate, he is not, for instance, of the peasantry.

position as not only a defender of counter-revolutionaries, but as one whose clients had a significant amount of notoriety. It seems appropriate at this stage to indicate a pair of terms that I shall employ interchangeably across the course of my research. The terms in question are "barrister" and "lawyer". The main difference between the two is that the latter is more general than the former.

The writings left behind by Chauveau-Lagarde that I will mainly make use of include the pamphlet he authored prior to the convening of the Estates General and the account he wrote of the trials of Marie Antoinette and Madame Elisabeth. Prior to explaining how these will be treated, it must first be noted that Chauveau-Lagarde employed the italic style at certain points in his writings, something which appears in other sources as well. Therefore, when the italic style appears in my research, its presence is due to Chauveau-Lagarde's employment of it, unless indicated by myself should I choose to emphasize a certain point. In regards to the two primary sources mentioned above, the pamphlet will be used to paint a picture of his political perspectives. The account on the trials of the queen and the king's sister will be used to an extent to help describe as well as analyze these two events, while bearing in mind who authored the account and the time during which it was written. This leads to the issue of memoirs and their place in historical research.⁶⁵ While memoirs can be classified as gold on the one hand and fool's gold on the other, there can be a middle ground. For if accurate details may be lacking in some regards, valuable perspectives, and the causes for a memoir's composition, can nonetheless emerge. Chauveau-Lagarde's memoir is to be employed partly for the analysis of the author's life as well as the tribulations of his celebrated clients. Regarding primary material from the Archives Nationales, there was much that did not relate specifically to the years being studied here as opposed to the time that followed. However, there did emerge the occasional letter or scrap of paper which bore some relation to the events at hand, however few these may have been. One example is a letter written by an acquaintance of Chauveau-Lagarde's family in the mistaken belief that he had died during the revolutionary fervor. And there are pieces of Chauveau-Lagarde's stationary which list his position either during the time of Napoleon or King Louis XVIII.

⁶⁵ Ben-Israel writes that "In France the Restoration started a flood of royalist memoirs which both excited and satisfied the prevalent sentiments." See: Ben Israel, *English Historians on the French Revolution*, 63.

As much as possible, I hope to be able to examine Chauveau-Lagarde's experiences and actions from the historian's rather than the romantic's viewpoint.⁶⁶ This must be stressed because of the courage which has always been attributed to Chauveau-Lagarde's actions which placed him, to an extent, in peril. Part of the process in accomplishing this task includes scrutinizing carefully the sources mentioned above to avoid unnecessary bias whenever possible. And in some cases, the employment of more than one source in examining the events in question, such as one of the trials, will not be shied away from. These may very well have provided a favorable view of Chauveau-Lagarde's actions, as well as those whom he defended, or they may not have. For instance, a childhood friend of Marie Antoinette composed his memoirs, and viewed Chauveau-Lagarde favorably. Letters of those who came into contact with Chauveau-Lagarde are also available. And in the case of certain revolutionary newspapers, it is unsurprising if a negative perspective prevailed. For instance, there was an incident where Chauveau-Lagarde found himself in a confrontation with the revolutionary journalist Marat. The latter chose to attack Chauveau-Lagarde by means of his newspaper, *L'Ami du peuple*. Yet it is hoped that the sources in question will complement each other. Instead of having specific sections devoted to each kind of source, they will be, for the most part, combined for my analysis. And it should be mentioned that this is an analytical rather than a descriptive project, though description is sometimes required to establish the context before proceeding to the expressly analytical components.

⁶⁶ Sympathy is possible in regards to some of Chauveau-Lagarde's clients. But all the facts that relate to their ordeals will be laid out, whether this should cast a positive or negative light on their characters.

CHAPTER II

CHAUVEAU-LAGARDE'S EARLY YEARS AND THE START OF THE FRENCH REVOLUTION

2.1 Background and context

Claude François Chauveau-Lagarde was born on January 21, 1756, in the French city of Chartres "sur la paroisse de Saint-André, du mariage de Pierre Chauveau, *maître perruquier*, et de Marie-Magdeleine *Lagarde*, sa femme".⁶⁷ Chartres would produce some of the most famous individuals who made themselves known through association with the French Revolution. These would come to include Jacques Brissot and Jérôme Pétion. The former would cross paths with Chauveau-Lagarde in rather unfortunate circumstances, though for the most part it could be argued that, historically speaking, he has largely remained in their shadow. But the time when these men would distinguish themselves lay in the future. At the time of Chauveau-Lagarde's birth, France was an absolute monarchy, ruled by King Louis XV. Yet when he died in 1841, his homeland had gone through several changes of regime due to the outbreak of the French Revolution. However, the doctrines of French absolutism shaped the world of Chauveau-Lagarde's formative years, and by extension, the profession that he would take up in life, that of a lawyer, or rather a barrister.

An understanding of the lawyer's place in Old Regime France is crucial to understanding the place that Chauveau-Lagarde occupied before 1789. In the words of historian Lenard R. Berlanstein, "The barrister's profession... was one of the more distinguished legal fields a man could enter in eighteenth-century France."⁶⁸ Furthermore, the development of this profession in France had its own history, which consequently resulted in the attribution of a distinguishable identity in French society by the time Chauveau-Lagarde began to make a name for himself as a lawyer in the late eighteenth century.⁶⁹ For example, in regards to a notable component of this fairly prestigious legal identity, it had been during the mid-seventeenth century that, in the words

⁶⁷ M. Doublet de Boisthibault, *Chauveau-Lagarde* (Chartres: Imprimerie de Garnier, Librairie, 1841), 1.

⁶⁸ Lenard R. Berlanstein, "Lawyers in Pre-revolutionary France", in *Lawyers in Early Modern Europe and America*, edited by Wilfrid Prest (London: Croom Helm, 1981), 165.

⁶⁹ An idea of how his legal career developed up to 1789 is provided in some of the slight biographical work done on his life which has been employed for this research, as will be indicated later on.

of historian Lucien Karpik, “the modern Order, or more precisely, the Order itself, made its official appearance with the establishment of new functions and new instruments”.⁷⁰ However, it should be noted that those lawyers who came to constitute such Orders “ne formeront pas de vraies corporations, au sens d’organismes établis par lettres patentes et pourvus de statuts homologués”.⁷¹ Therefore, these French legal Orders had corporate characteristics, though not the official status that normally went with them.

There were numerous places that could be occupied in the legal world, but Chauveau-Lagarde would make his way as a barrister. Yet he did not remain in Chartres to make a name for himself as a lawyer, but instead would relocate to Paris, where he came to join what was known as the Parisian Order of Barristers. In French society during the eighteenth-century, the spheres of law and politics mingled with one another through the links that barristers had with those courts known as the *parlements*. The *parlements* were essentially the sovereign law courts of France and were meant to act as a check on royal power. Those who ran the *parlements* were known as the magistrates, and as historian Munro Price writes, they were “to act as a constitutional counterbalance to the absolute monarchy and prevent it from degenerating into despotism.”⁷² This being said, it must also be pointed out that the “greatest political convulsions in eighteenth-century France had pitted the king’s ministers against the *parlements*.”⁷³ The *parlements* have become famous for this stance regarding crown policy, but the place that lawyers occupied in French society due to their links with this body that was meant to stand as the defender of people’s rights should not be forgotten. With time, it became apparent that the *parlements*’ own interests often came before those of the common people, as they ultimately constituted one of the privileged classes.⁷⁴

The general picture of lawyers prior to the outbreak of the French Revolution sees them as a member of the Third Estate. Though more specifically, they belonged to the bourgeoisie.⁷⁵ For most of the Third Estate consisted of the peasantry. 80 percent of France’s population were peasants.⁷⁶ French society before 1789 is generally pictured as being made up of three orders,

⁷⁰ Karpik, *French Lawyers: A study in collective action, 1274 to 1994*, 36.

⁷¹ Royer, *Histoire de la justice en France du XVIIIe siècle à nos jours*, 145.

⁷² Price, *The Road from Versailles*, 20.

⁷³ Woloch, *The New Regime: Transformations of the French Civic Order, 1789-1820’s*, 299.

⁷⁴ The manner in which the *parlements* have been treated historiographically speaking, and hence the debate on this institution, is discussed in: Fanny Cosandey et Robert Descimon, *L’absolutisme en France: Histoire et historiographie* (Éditions du Seuil, 2002), 180-188.

⁷⁵ Yet not the commercial bourgeoisie.

⁷⁶ Doyle, *Oxford History of the French Revolution*, 16.

which, aside from the Third Estate, included the clergy as the first and the nobility as the second. In regards to the latter, by the time the Revolution came about, there had existed a long established custom of being able to buy oneself into the nobility if one had the required amount of wealth.⁷⁷ This class was gaining new members. Yet in regards to those members of the Third Estate who made up French lawyers prior to the Revolution, in the words of historian David Bell, "a majority came from families already established within the world of the law."⁷⁸ The lawyer being analyzed, however, did not.

Chauveau-Lagarde basically came from what one biographical source has qualified as a family of artisans. And as mentioned above, his father was a barber. This same source gives details as to Chauveau-Lagarde's educational experiences prior to commencing his own legal career: "Il reçut sa première éducation dans la famille, puis il entra au collège de sa ville natale où ses succès lui méritèrent une bourse à l'institution Saint Barbe." Following this, he studied law and "passa trois ans chez un procureur pour y étudier la procédure."⁷⁹ One of the few nineteenth century pamphlets detailing his life refers to Saint Barbe as "l'une des plus célèbres écoles de l'Université de Paris."⁸⁰ Furthermore, David Bell points to the fact, about lawyers in general, that "perhaps a third of barristers first gained experience in the world of the law as *procureurs*' clerks."⁸¹ However, when it came to the question of the legal training that was provided by academic institutions during the time in question, (as university degrees had eventually become a requirement to practice law) it should be noted that in certain respects, its standards were by no means the highest imaginable. Though there are some differences of opinion on this matter. Michael Fitzsimmons, for instance, has written that "The state of legal education in the French universities of the eighteenth century was very low, plagued by a variety of problems ranging from virtually nonexistent academic standards to venality."⁸² Aside from this, he points out that there were some who did not even practice law all that much but merely took on the profession for the prestige it conferred.⁸³ Hervé Leuwers' perspective is more charitable. He points out that

⁷⁷ Indeed, Simon Schama has gone so far as to say that "Never had the avenues to nobility been broader or more welcoming than under Louis XVI." Schama, *Citizens*, 116.

⁷⁸ David Bell, *Lawyers and Citizens: The Making of a Political Elite in Old Regime France* (New York: Oxford University Press, 1994), 28.

⁷⁹ *Annales du Barreau Français ou choix des plaidoyers et mémoires les plus remarquables*, (Paris: Guilbert, Librairie-Éditeur, 1847), v-vi.

⁸⁰ Louis Aimé-Martin, *Quelques Esquisses de la vie judiciaire de M. Chauveau-Lagarde* (Paris: Imprimerie Le Normant, 1841), 4-5.

⁸¹ Bell, *Lawyers and Citizens: The Making of a Political Elite in Old Regime France*, 39.

⁸² Fitzsimmons, *The Parisian Order of Barristers and the French Revolution*, 5.

⁸³ *Ibid.*, 10.

the criticism leveled against these university studies by the philosophers of the age should not necessarily be taken at face value. He writes that “dans nombre d'établissements, les cours de droit romain ou de droit canon intègrent la présentation des ordonnances et des usages provinciaux, contrebalançant l'enseignement des principes par celui de leur traduction dans la législation en vigueur.” Yet he adds that “les critiques des contemporains ne peuvent être négligées”. For certain kinds of law were neglected in the curriculum.⁸⁴ These are two scholarly opinions on the university education that was provided for future lawyers. And though Leuwers may be a little less stinging in his assessment, it can be agreed that when it came to this kind of training for lawyers under the Old Regime, there was room for improvement.

Following his studies, Chauveau-Lagarde became a member of the Parisian Order of Barristers. The date that is listed as that of his accreditation and incorporation into this Order is May 5, 1783.⁸⁵ He would have been 27 years old. It would be precisely another six years before the opening of the Estates General. And whatever deficiencies there may have been in his legal education, with time, he would prove to be a gifted barrister both during the Old Regime and afterward. Up to 1789, he was known as an *avocat au parlement*. This particular designation was assigned to a certain kind of barrister during the Old Regime, and therefore merits scrutiny. Yet a very general definition of an *avocat* during the time in question can be found in Jean Egret's work on that period he termed the French pre-revolution. An *avocat* was basically a lawyer “whose chief duty was to present arguments on the law that ought to control decisions on substantive issues in litigation.”⁸⁶ However, as David Bell writes, “Merely identifying barristers is a subject that confused many contemporaries, and has baffled modern historians as well.” For “Thousands of men held the title of “barrister” (*avocat*), but only a small percentage of them belonged to the Order of Barristers, whose members had the sole right to practice before the *parlement*”.⁸⁷ Furthermore, when one's name was listed on what was known as the *Tableau*, which was “an annual printed list” that was provided by the Order, the title *avocat au parlement* was adopted.⁸⁸ One of the most famous examples when such *avocats* were employed to practice before the *Parlement de Paris* was during that notorious scandal known as the Diamond Necklace Affair, which proved so injurious to the reputation of Marie Antoinette and to the image of the French

⁸⁴ Leuwers, *L'invention du barreau français 1660-1830: La construction nationale d'un groupe professionnel*, 19-20.

⁸⁵ Fitzsimmons, *The Parisian Order of Barristers and the French Revolution*, 206.

⁸⁶ Egret, *The French Prerevolution, 1787-1788*, 293.

⁸⁷ Bell, *Lawyers and Citizens: The Making of a Political Elite in Old Regime France*, 27.

⁸⁸ *Ibid.*, 28.

monarchy in general. This was due to the general belief that the queen had tried to acquire an expensive diamond necklace through dubious means. Yet the Cardinal de Rohan, one of the main players in the affair as well as the man whom the crown wanted found guilty, was brought before the *Parlement de Paris* to be put on trial for his supposed involvement. He was acquitted. And during the trial, lawyers who could practice before the *parlements* were employed.

What could be described as the early years of Chauveau-Lagarde's life, namely those between his birth and his admittance to the Parisian Order of Barristers, coincided with momentous events that would affect France and its historical and political trajectory. For it should be noted that at the time of his birth, all was not well in his homeland, as France was on the verge of officially entering the Seven Years War, which Winston Churchill would later designate the first true world war, as the fighting occurred across the globe. This conflict would see a significant decrease in French prestige due to the losses the country incurred at the hands of its enemies, notably the British, which included the forfeiture of her colonies, and therefore overseas influence, in North America and India. And when the war came to an end in 1763 for France through the signing of the Treaty of Paris, France's image was truly tarnished.⁸⁹ Aside from the damage done to royal prestige, the debts that had been accumulated throughout this time were staggering. France would eventually avenge the defeats of the Seven Years War when it aided the American colonies in their ultimately successful revolution against Great-Britain. And this other overseas war in which they played a very significant role not only aggravated the financial situation of France, but helped spread revolutionary ideals at home as well.⁹⁰ Indeed, Simon Schama has insisted that the French Revolution actually began in America.⁹¹ However, despite the fact that the years 1756 to 1783 saw France involved in almost continuous warfare against England, Chauveau-Lagarde's life revolved around the legal profession. But the reverberations of revolution would eventually come to make their presence felt in his life due to the fairly conservative position that the *avocats au parlements* ultimately adopted once the French Revolution took its deadly toll on the monarchy embodied by King Louis XVI.⁹²

As mentioned, Chauveau-Lagarde was listed among the hundreds of other lawyers who

⁸⁹ Historian Colin Jones writes that "most contemporaries adjudged the peace as massively humiliating for the institution of the monarchy". See: Colin Jones, *The Great Nation: France from Louis XV to Napoleon*. (London: Penguin Books, 2003), 244-245.

⁹⁰ Deborah Cadbury, *The Lost King of France* (New York: St. Martin's Griffin, 2003), 20.

⁹¹ Schama, *Citizens*, 24.

⁹² Fitzsimmons, *The Parisian Order of Barristers and the French Revolution*, 90-91.

made up the Parisian Order of Barristers prior to the outbreak of the French Revolution. He had the right to practice before the *Parlement de Paris*. He had begun to make a name for himself through the undertaking of certain cases in the six years leading up to 1789. For instance, "il plaïda, à la grand'chambre, sous le patronage de Target, sa première cause, contre le célèbre De Bonnières;⁹³ s'il n'eut pas la gloire de vaincre un tel adversaire, cette cause lui valut du moins les encouragemens et même les éloges de la Cour."⁹⁴ This attribution, as defined in a brief overview of his early life by the *Annales du Barreau Français*, is indicative of a promising legal career for Chauveau-Lagarde. This is all the more so given the lawyer under whose patronage he worked. For Guy Jean Baptiste Target, aside from having acted as an *avocat au parlement* to the Cardinal de Rohan in his time of need,⁹⁵ had emerged, by 1789, as "the pride of the Parisian bar".⁹⁶ Furthermore, another nineteenth century source writes that before the outbreak of 1789, "Chauveau-Lagarde comptait déjà parmi les avocats distingués au Parlement".⁹⁷ However, events would soon overtake the world which had shaped his life up until that particular time.

2.2 Start of the French Revolution

The six years from the time of his induction into the Order and the start of the Revolution witnessed rumblings of discontent from numerous sections of society. And it should be noted that six years is not that long a period, though it was evidently long enough for Chauveau-Lagarde to begin the process of distinguishing himself in the field of law. However, as early as 1787, the situation in France had reached such a critical stage that the time from then until 1789 has been designated as the pre-revolution by certain academics.⁹⁸ And in some cases, these years were not immune from those disasters of a natural origin which fell completely beyond any kind of government control. For instance, in the summer of 1788, there was a horrific hailstorm which had devastating effects on the harvests.⁹⁹ Yet the main issue which was within government control, at least theoretically, during this time had to do with the manner that would be employed to solve the financial crisis. After a failed attempt by the government to institute much needed reforms in the hope of solving this dilemma, (an attempt that was thwarted partly by the

⁹³ Alexandre Jules Benoît De Bonnières, a member of the Parisian Order of Barristers who officially joined on September 4, 1769. Fitzsimmons, *The Parisian Order of Barristers and the French Revolution*, 207.

⁹⁴ *Annales du Barreau Français*, vi.

⁹⁵ Schama, *Citizens*, 208.

⁹⁶ Doyle, *Oxford History of the French Revolution*, 101.

⁹⁷ Bathild Bouniol, *Les rues de Paris: biographies, portraits, récits et légendes, Volume 1*. (Paris: Bray et Retaux, 1872), 191.

⁹⁸ Price, *The Road from Versailles*, 24

⁹⁹ *Ibid.*, 29.

parlements' resistance to royal prerogative)¹⁰⁰ another answer to the problem had to be found. The solution that was eventually decided on in this regard was the summoning of the representative body known as the Estates General, which had not met for nearly 175 years. And the fact that it had not been summoned for such a lengthy period of time would provide an atmosphere for a wide-ranging debate on the way in which it should be composed. Such a contentious issue aroused interest from numerous sections of society, not least from the legal section. As William Doyle writes in his history of the French Revolution, "once the Estates-General were one, the problem of their composition was a lawyer's paradise."¹⁰¹ Chauveau-Lagarde decided to make his contribution to the debate, and he was very much in his element. Louis-Aimé Martin's pamphlet, mentioned above, makes the following statement in regard to this enterprise: "Royaliste passionné, patriote de bonne foi, le jeune homme mit aussitôt la main à l'oeuvre et fit sa brochure, son plan de constitution."¹⁰²

The issue of how the Estates General should be composed ignited a fierce debate, and it was on this question that Chauveau-Lagarde came to author a pamphlet expressing his position. It was titled *Théorie des États-Généraux, ou la France régénérée*. Yet despite the fact that the pamphlet can reflect a certain political position, one should be wary of drawing comparisons between its contents and how he would eventually plead before the Revolutionary Tribunal. For this pamphlet concerned how a body of representatives should be composed with the king of France still at the head of the country. And the political atmosphere of 1789 was less threatening than when the Terror broke out. His words in defending his clients before the Tribunal would be chosen in quite a different setting, and in a context when the monarchy had been abolished. The pamphlet can therefore be viewed as a reflection of his initial position in regards to the ideals that were permeating France. And his views were at first far from hostile.¹⁰³

His views were, according to what he wrote, quite open minded. The sub-title to the pamphlet in effect sounds very much like a warning towards the general population: "Sur le bord du tombeau, réveille-toi Patrie."¹⁰⁴ This reflects a realisation that something has to be done about France's critical condition, as it literally accuses the country of being on the verge of death. And

¹⁰⁰ Woloch, *The New Regime: Transformations of the French Civic Order, 1789-1820's*, 300.

¹⁰¹ Doyle, *Oxford History of the French Revolution*, 95.

¹⁰² Aimé-Martin, *Quelques Esquisses de la vie judiciaire de M. Chauveau-Lagarde*, 6.

¹⁰³ *Annales du Barreau Français*, vi.

¹⁰⁴ Claude François Chauveau-Lagarde, *Théorie des États Généraux, ou la France régénérée* (Paris: Marchand de Nouveautés, 1789).

as his pamphlet is read, there emerges a plan for a remarkably representative Estates-General. It should perhaps be noted that this was not what came to be known as a *cahier de doléance*. For it is not an endless list of grievances but a series of directives in regards to what ultimately constitutes the ideal representative body. And there are references to other published works in the pamphlet. Rather, it could be compared to those writings which lawyers were prone to compose across the course of their legal careers. For in the past, those from the legal profession had taken it upon themselves to produce what were known as *mémoires judiciaires*. These were one of the few kinds of publications legally allowed during the Old Regime which were not subjected to the ordinary rules of censorship. As Sarah Maza writes, the *mémoires judiciaires* “circulated legally and openly. They were not an attack on the system from without... but a legitimate part of it.”¹⁰⁵

The opening lines of Chauveau-Lagarde’s pamphlet reveal a sense of relief at the impending meeting of the Estates-General, as well as exasperation at its having remained in a state of abeyance for so long: “Les États-Généraux vont donc enfin être assemblés après cent soixante-quatorze ans d’interruption!” He adds that during those years in which it had not been called, “la Nation Française est demeurée comme ensevelie dans le tombeau.”¹⁰⁶ One of the main aspects of this pamphlet are references to the session which had been held in 1614 under the minority of King Louis XIII, should the need for any suitable comparison arise with the present situation. Furthermore, he makes reference, quite early on, to the year 1651, when there appeared the chance that a similar assembly might have been convoked. But due to certain circumstances, such as the outbreak of the rebellion known as the Fronde, it never came about.¹⁰⁷ Returning to the present, he laments the debt which has been accumulated over time and which Louis XVI has to contend with, and the extent of the vulnerability that France has been left in due to this situation. Therefore, as a result of the fact that the Estates General are to be convened, Chauveau-Lagarde pays tribute to Louis XVI, writing “graces immortelles soient rendues au Prince, qui, dans sa sagesse,”¹⁰⁸ will breathe new life into France through the actions he will undertake. The king has called for “une Assemblée qui soit régulière, constitutionnelle, nationale dans sa composition”.¹⁰⁹ He insists it is the duty of Frenchmen to take part in this enterprise, writing of the “devoir à tout bon Français de concourir, autant qu’il est en son pouvoir, à la révolution qui se

¹⁰⁵ Sarah Maza, *Private Lives and public affairs : the causes célèbres of prerevolutionary France* (Berkeley: University of California Press, 1993), 119.

¹⁰⁶ Chauveau-Lagarde, *Théorie des États Généraux, ou la France régénérée*, 3.

¹⁰⁷ Ibid., 3-4.

¹⁰⁸ Ibid., 5-6. In contrast, Chauveau-Lagarde would hardly praise the king before the Revolutionary Tribunal during the Terror.

¹⁰⁹ Ibid., 7.

prépare".¹¹⁰ The significance of the term "revolution" appearing at this time lies in the context in which it is being employed. It does not refer to the overthrow of the monarchy but of better things to come through change. What is more, in showing reverence for the king, Chauveau-Lagarde seemed to be following something of a trend. For as Timothy Tackett has written, "In most of the Third Estate brochures, as in most of the cahiers of 1789, one cannot but be impressed by the strong sentiments of respect and devotion toward the king".¹¹¹ France is in a crisis, one affecting the country "comme un incendie", but the representative body meant to solve this problem must adopt a certain structure.¹¹² Therefore, Chauveau-Lagarde has taken it upon himself to "*recherche ce que c'est en France qu'une Assemblée nationale, quels en sont les caractères constitutifs, & d'après quelles règles elle doit être formée & composée pour produire de bons effets*".¹¹³ He notes the length of time between the publishing of his pamphlet and the Assembly of Notables, yet insists that "les Délibérations de MM. les Notables *n'étant que provisoires*" and how the time that passed was appropriate in regards to when his publication came out.¹¹⁴ Following the Introduction to his work, and just prior to dividing it up into eight sections which each describe the most important aspects of proper representation, is a section devoted to answering the question of what exactly is a National Assembly.

The section contemplating the issue of a National Assembly begins with the question of what a nation is. To which Chauveau-Lagarde answers: "Une Nation n'est rien autre chose qu'un être collectif, composé d'un certain nombre d'individus, réuni en communauté". It is made up of many different parts, which leads to the rhetorical question of whether or not it has the right to assemble, as it could not exist otherwise.¹¹⁵ The National Assembly is therefore "l'Assemblée de tous les membres de la Nation".¹¹⁶ A comparison with Ancient Rome is made following this description of such a representative body, which precedes a lament at the absence of the National Assembly he desires for France.¹¹⁷ And in regards to his view on how it should be composed, "L'Histoire Ancienne & l'Histoire Moderne offrent deux voies différentes".¹¹⁸ He concludes this portion of his pamphlet by asserting that "*une Assemblée Nationale ne peut être en France rien*

¹¹⁰ Ibid., 9.

¹¹¹ Timothy Tackett, *Becoming a Revolutionary* (Princeton: Princeton University Press, 1996), 102.

¹¹² Chauveau-Lagarde, *Théorie des États Généraux, ou la France régénérée*, 10-11.

¹¹³ Ibid., 11-12.

¹¹⁴ Ibid., 14-15.

¹¹⁵ Ibid., 16.

¹¹⁶ Ibid., 17. The issue of whether or not the distinctiveness of the three orders is to remain is addressed later on in the pamphlet.

¹¹⁷ Ibid., 17-22.

¹¹⁸ Ibid., 23.

autre chose, qu'une Assemblée des représentans de la Nation."¹¹⁹ This section is followed by eight others which serve to describe the characteristics of a suitable representative assembly for France, in Chauveau-Lagarde's eyes. Yet when examining this particular section on the National Assembly, the references to Rome reflect an ongoing obsession that the French Revolutionaries had with the Classical Age. Therefore, Chauveau-Lagarde's writing in this light is yet another demonstration of his initial flirtation with the revolutionary ideals that were infiltrating his country. For the invocation of Ancient Rome corroborated with feelings of patriotism that became a hallmark of adherents to the Revolution.

The first of the sections dealing with what characterizes a good representation, and this is a section which is the shortest of them all, revolves around the assertion that "la représentation la plus parfaite, sera celle qui fera le mieux connaître *le voeu général de la Nation*."¹²⁰ The second section begins by stating that in order for the assembly to accomplish the task mentioned above, it must be, in Chauveau-Lagarde's words, elective. For if representatives are not elected, they cannot properly represent the people.¹²¹ He makes reference to past representative assemblies that were convoked and points out their various problems, all the while emphasising the need for people to have a say in who represents them. Essentially, "*les Représentans d'un peuple ne peuvent être que des Députés choisis par lui-même*."¹²² Yet as the third section commences, there appears the insistence that the people choosing their representatives is not enough. They must have the liberty to choose whom they desire, without coercion. Aside from that, those representatives who have been chosen must have liberty to act as well, otherwise "inutilement la Nation l'aurait-elle été en les nommant".¹²³ At this stage, it might be useful to point to how the Estates General of 1614 were assembled. For when elections took place 175 years before, as one study puts it, "it was vastly important that the Estates should be free Estates and that all traditional forms should be strictly adhered to."¹²⁴ And when the elections had come to an end, "a large number of the deputies,... were royal officials."¹²⁵ Overall, "Every level of French society had some representation in the Estates General of 1614". Yet "the representation was very

¹¹⁹ Ibid., 24.

¹²⁰ Ibid., 25.

¹²¹ Ibid., 26.

¹²² Ibid., 28.

¹²³ Ibid., 30.

¹²⁴ J. Michael Hayden, *France and the Estates General of 1614* (New York: Cambridge University Press, 1974), 74.

¹²⁵ Ibid., 80.

unequal.”¹²⁶ Chauveau-Lagarde was arguing for representation that would be characterized by far greater equality.

The aspect of liberty when it comes to representation culminates in the following assertion by Chauveau-Lagarde in regards to this component of a representative assembly: “*la puissance exécutive ne doit avoir aucun influence ni directe, ni indirecte dans la représentation, & que le pouvoir judiciaire, excepté en matière de délit, doit être suspendu contre tous les Députés, pendant l’exercice de leur charge.*”¹²⁷ He also cautions against any kind of influence upon the voters during elections which might impede on the aspect of liberty in such an enterprise.¹²⁸ Therefore, what he calls the third most important characteristic is “*liberté absolue dans les Elections, liberté absolue dans les délibérations*”. Furthermore, he insists the Estates General reflect this characteristic, before going on to provide examples of previous gatherings of this representative body which have the intention of helping to illustrate the point he is trying to make.¹²⁹ The Estates General of 1614 is referred to here as a result. The aim is to demonstrate that “*toujours & dans les temps même d’esclavage, les Députés de nos Etats ont été comme ils devoient l’être, absolument libres dans toutes leurs actions, dans toutes leurs délibérations, dans tous leurs discours*”.¹³⁰ This belief concludes the third section of Chauveau-Lagarde’s pamphlet. Furthermore, in regards to the overall issue of proper representation, Chauveau-Lagarde’s manner of thinking on such a subject falls into line with a comment made by historian Paul Friedland in his study on the French Revolution. That “public opinion had positioned itself as the true representative of the will of the nation”.¹³¹

The fourth section intends to address the role that the issue of property plays, or rather the role of the ownership of property, when it comes to who can take part in the process of electing someone, as well as who can be elected. Chauveau-Lagarde, in arguing this point, eventually arrives at a comparison between provincial assemblies and the Estates General, and while the former might permit election based on property, the latter cannot. For its assemblage relates to “les plus grands intérêts de l’État.” And such “intérêts sont communs à tous les citoyens

¹²⁶ Ibid., 97.

¹²⁷ Chauveau-Lagarde, *Théorie des États Généraux, ou la France régénérée*, 31.

¹²⁸ Ibid., 32-34.

¹²⁹ Ibid., 34-35.

¹³⁰ Ibid., 41.

¹³¹ Paul Friedland, *Political Actors: Representative Bodies & Theatricality in the Age of the French Revolution* (Ithaca: Cornell University Press, 2002), 51.

indistinctement".¹³² A person with what Chauveau-Lagarde terms noble qualities has precedence over he who owns property when it comes to such matters. Yet following this elaboration in regards to necessary characteristics, Chauveau-Lagarde provides examples of those who occupy high offices from the United States and England, such as in the judiciary, who are not eligible to have a seat in a representative assembly.¹³³ This concludes the fourth section, with the fifth beginning with the assertion that aside from universality, equality is the next important component of a true representative assembly.¹³⁴

Equality is essential, for without it, "le voeu général ne serait plus que le voeu de quelques particuliers." This equality can be classified "sous trois rapports; par rapport au droit d'élection, par rapport au droit de *députation*, & par rapport au droit de *suffrage*."¹³⁵ In regards to the first, each voter exercises this privilege once. In regards to the second of these, the "droit de *députation*", or the right to sit in the Assembly, these are based on equality as well. As there cannot be a deputy for each person, there must be one that represents an equal number of people within the Assembly.¹³⁶ He elaborates on how this might be brought about, with a few comparisons with Ancient Rome and the United States. However, he insists that the representation in those places would be impractical for France, given the large number of people resident in the country.¹³⁷ He even offers certain mathematical solutions for equality to prevail in the form of having fair representation of the people, which is followed by expressing the ludicrousness of dividing liberty in such a way.¹³⁸ This is followed by an insistence that the presence of diverse social classes when it comes to representation is not the best of ideas, as representation is meant to represent the nation as a whole.¹³⁹ Those elected to a representative assembly are equal to one another. Towards the end of explaining this second requirement, he concludes that "réduire les Bailliages à une *différence fractionnaire*" is what is necessary.¹⁴⁰ The final part of this section deals with suffrage. The only manner to proceed with this component of representation is "de les prendre par têtes."¹⁴¹ Chauveau-Lagarde is quite insistent on the

¹³² Chauveau-Lagarde, *Théorie des États Généraux, ou la France régénérée*, 47-48.

¹³³ *Ibid.*, 49-51.

¹³⁴ *Ibid.*, 52.

¹³⁵ *Ibid.*, 52.

¹³⁶ *Ibid.*, 57.

¹³⁷ *Ibid.*, 59.

¹³⁸ *Ibid.*, 62.

¹³⁹ *Ibid.*, 63-64.

¹⁴⁰ *Ibid.*, 68.

¹⁴¹ *Ibid.*, 70.

absurdity of the Estates voting by order, calling such a notion ridiculous.¹⁴² For if each order were to deliberate on different matters instead of as a single group, “l’expression du vœu général deviendrait impossible.”¹⁴³ Chauveau-Lagarde therefore makes it quite clear in this pamphlet that he is opposed to voting by order, as were many members of the Third Estate at the time in question. This is thus an opinion he shared with others who would follow a more radical path than he would. The expression of this opinion concludes this section.

The sixth characteristic is that, “essentiel à une bonne représentation, c’est qu’elle soit entière”, meaning there must be cooperation between the various elements of a representative body.¹⁴⁴ Chauveau-Lagarde adds once again the impossibility of having a representative for each person, and that one representative must account for a certain portion of the population. Yet the assembly that can best represent the nation is that which is “pourtant la plus nombreuse.” And while it may be impossible to determine the precise number of representatives, what matters is “d’établir quelle est l’étendue de leur mission”.¹⁴⁵ In the end, as time would tell, “the first French National Assembly was remarkably large, perhaps the largest such representative body in Western European history.”¹⁴⁶ The sixth section is rather short, and gives way rather quickly to the seventh section. This latter one concerns itself with some of the steps to be taken in the process at hand. Chauveau-Lagarde wants the elections to be kept as simple as possible, and elaborates on how this can be brought about.¹⁴⁷ Towards the end of this elaboration, he insists that a way to add to the simplicity is to vote, as he puts it, “par têtes”.¹⁴⁸ It is possible to contextualize his desire for such a manner of voting. For without being able to vote by head, the decision to have doubled the Third Estate representation towards the end of 1788 would have been, as Donald Sutherland writes, “nearly meaningless.” Yet this decision “did encourage the patriots, however, to pursue their pamphlet war in favour of vote by head.”¹⁴⁹ Chauveau-Lagarde then goes on to emphasize the need for deputies to represent the nation as a whole, as opposed to certain orders. This being said, he insists on the importance of the Third Estate having prominence when it comes to representation.¹⁵⁰

¹⁴² Ibid., 71.

¹⁴³ Ibid., 72.

¹⁴⁴ Ibid., 72.

¹⁴⁵ Ibid., 74.

¹⁴⁶ Tackett, *Becoming a Revolutionary*, 20.

¹⁴⁷ Chauveau-Lagarde, *Théorie des États Généraux, ou la France régénérée*, 76-81.

¹⁴⁸ Ibid., 82.

¹⁴⁹ D.M.G. Sutherland, *The French Revolution and Empire: The Quest for a Civic Order* (Oxford: Blackwell Publishing, 2003). 32.

¹⁵⁰ Chauveau-Lagarde, *Théorie des États Généraux, ou la France régénérée*, 83-85.

He goes on to add that in regards to nobility, it should only be seen as “une qualité inhérente à la personne”.¹⁵¹ And in regards to “impôts” and who should pay them, when it comes to who is exempted from having to make such payments, such an insolence is “un vol fait aux Pauvres par les Riches”.¹⁵² Following this statement is criticism against the privileged classes, mainly the nobility. The exemptions they have enjoyed due to their status can no longer be justified.¹⁵³ Overall, the assembled representatives must be from a single class. However, he adds in a footnote that “Quand je dis qu’il faut réduire l’Assemblée Nationale à une seule classe de Députés, je ne prétends pas qu’il faille détruire la Noblesse & le Clergé.” For his views on the issue are only related to “la Nation assemblée & dans son rapport avec les impôts.”¹⁵⁴ Yet within the National Assembly, the presence of various Orders would lead to much discord. And he indeed proceeds to list examples, in some cases from previous gatherings of the Estates General.¹⁵⁵ Their abuses result in, as he puts it, “rendre une nation ridicule”.¹⁵⁶ There is also something of interest in regards to his perspectives on the English model. For though it consists of an upper and lower chamber, it is nonetheless a system “que je suis bien... éloigné d’approuver”.¹⁵⁷ Yet he nonetheless uses this model to prove a point of representative members having common interests.

The pamphlet concludes with a description of the eighth and final characteristic of proper representation, which is perpetuity. For if an assembly lapses in its gatherings, its purpose cannot be achieved. Such an insistence on Chauveau-Lagarde’s part could rest with the length of time that passed since the last Estates General convened. He does not feel such gatherings should only come about in times of emergencies and gives examples of other representative bodies in other countries who meet on a regular basis. He makes references to previous occasions in French history when such gatherings had the chance of perpetuity, but that under Louis XVI a more realistic occurrence could take place. The pamphlet ultimately concludes with a summing up of all his main points. What he wants to see is the cohabitation of two seemingly very different concepts: “la plus grande liberté du Peuple, avec le plus grand pouvoir de ses Rois”.¹⁵⁸ When

¹⁵¹ Ibid., 87.

¹⁵² Ibid., 88-89.

¹⁵³ Ibid., 92-93.

¹⁵⁴ Ibid., 98. His comment in regards to the nobility and clergy is significant in that he does not want an entire overhaul of society.

¹⁵⁵ Ibid., 103.

¹⁵⁶ Ibid., 104.

¹⁵⁷ Ibid., 109.

¹⁵⁸ Ibid., 121.

reaching the end of the pamphlet, this is evidently a piece of writing that is filled with hope for the future on behalf of someone who genuinely seeks the well-being of his nation. It is littered with traces of patriotism, and seeks reconciliation with the present regime. With time, however, it became apparent that the Revolution would proceed in a rather chaotic manner, which would change the way that he came to regard the overthrow of the absolutist regime in France. But that lay in the future.

The reaction that Chauveau-Lagarde's pamphlet may have elicited is difficult to pin down, if it came to anyone's attention at all, given the plethora of publications that emerged at this time.¹⁵⁹ Louis Aimé-Martin's short biographical pamphlet on the life of Chauveau-Lagarde is quite scathing on the issue of the lawyer's publication, but probably fairly accurate given the amount of very evident interest on how the Estates General should be formed. For Aimé-Martin stated that "il fut publié et oublié".¹⁶⁰ Chauveau-Lagarde's wish to see only the nation represented as opposed to three distinct Orders was not to come about just yet. Elections to the Estates General were announced, and the process took place during the course of the first four months of 1789. Chauveau-Lagarde was not elected as a representative of the city of his birth. For though he was born in Chartres, he resided in Paris at the time. And the representatives of the capital city would not take their places until June of that year. Furthermore, it should be noted that in regards to French barristers being among the representatives of the nation at this time, as is pointed out by Isser Woloch, there would be over 150 of them.¹⁶¹ Eventually, on May 5, 1789, ironically the anniversary of Chauveau-Lagarde's induction into the Parisian Order of Barristers, the Estates General convened as three separate Orders.

As of this point, the traditional course of the French Revolution is well known. The Third Estate eventually declared itself the National Assembly and on June 20, 1789, finding themselves locked out of their traditional meeting place, they converged in a nearby tennis court and swore not to disband until France had a constitution. Yet soon, a far more defining event was to take place, and which would forever become associated with the French Revolution. On July 14, the Bastille fortress was stormed. A symbol of the Old Regime, this particular fortress was ironically,

¹⁵⁹ In fact, as Colin Jones writes in his history of eighteenth century France, "maybe as many as 4 million pieces of political commentary cascaded down on the French people from September 1788 to May 1789" in regards to the composition of the Estates General. See: Jones, *The Great Nation*, 397.

¹⁶⁰ Aimé-Martin, *Quelques Esquisses de la vie judiciaire de M. Chauveau-Lagarde*, 6.

¹⁶¹ Woloch, *The New Regime: Transformations of the French Civic Order, 1789-1820's*, 321.

as one author writes, "one of the least unpleasant of Paris' prisons."¹⁶² Yet in the popular imagination, it had become representative of absolutist oppression. As one study on the infamous fortress puts it,

"Not so much its current significance as a state prison – which was minor – but its past role, deeply anchored in the collective consciousness, as an instrument of arbitrary rule was decisive in making the Bastille, situated on the eastern outskirts of Paris, of all places the goal of the rebels."¹⁶³

Its demolition has been marked as the starting point of the Revolution. Indeed, it precipitated what became known as the Great Fear, when a belief of retribution towards the peasantry on behalf of the nobility began to pervade the country.¹⁶⁴ On August 4, feudalism was officially abolished. In October of 1789, thousands of market women marched on Versailles demanding bread. They succeeded in capturing the royal family and in bringing them back to Paris, making them quite virtually prisoners. From then on, there would be an attempt to forge a constitutional monarchy from the absolute monarchy which had existed for centuries. Outwardly, the king and queen would appear to accept these changes. Privately, they would slowly take steps to put a halt to the revolutionary programme of reform. Their attempts would last from the moment they arrived in Paris as prisoners to the fall of the monarchy in September of 1792, and it might even be argued right up to the time they were executed as traitors of the French Republic. Yet during those years, the class to which Claude François Chauveau-Lagarde belonged underwent profound changes. This was due to the place the Parisian Order of Barristers occupied, and Chauveau-Lagarde's position as an *avocat au parlement*.

Lenard R. Berlanstein writes, in his article on lawyers in pre-revolutionary France, that upon the revolutionary outbreak, "lawyers angrily saw the *parlementaires* align themselves with the narrow interests of the Second Estate, destroying the solidarity of the legal world." Furthermore, "Many lawyers reacted by placing themselves at the head of the Third Estate (commoners)."¹⁶⁵ Corporatism, linked with the privileges that were becoming ever more

¹⁶² Christopher Hibbert, *The French Revolution* (London: Penguin Books, 1982), 71.

¹⁶³ Hans-Jürgen Lüsebrink and Rolf Reichardt, *The Bastille: A History of a Symbol of Despotism and Freedom*. Translated by Norbert Schürer. (Durham and London: Duke University Press, 1997), 38.

¹⁶⁴ Georges Lefebvre, *The Great Fear of 1789; rural panic in revolutionary France*. Translated from the French by Joan White. (New York: Pantheon Books, 1973).

¹⁶⁵ Berlanstein, "Lawyers in Pre-revolutionary France", in *Lawyers in Early Modern Europe and America*, 176.

repugnant to the popular imagination, was something that was affected deeply by the revolutionary changes. The Parisian Order of Barristers, though not recognized officially as what was known as a *corps*, nonetheless had many of its characteristics. As Schama points out, the *parlements* were "corporate bodies". He also writes that "While their collective existence was terminated by the Revolution, many individuals who had held office under the monarchy had no trouble in exchanging their corporate identity for that of citizen-servants of the *patrie*."¹⁶⁶ In 1790, the Order of Barristers to which Chauveau-Lagarde belonged was officially dissolved. Yet it should be noted, as David Bell has pointed out, that such a move inspired very little resistance among those *avocats* who formed part of the organization. In fact, the Order "seemed to vanish almost without notice."¹⁶⁷ And when it came to the survival of the Parisian Order of Barristers, only one would stand up to defend its maintenance. Aside from this one individual, though, "there is no evidence that *any* barrister worked to save the Order."¹⁶⁸ Former members of such Orders would henceforth be known as *défenseurs officieux*, or as public defenders. This was the title through which Chauveau-Lagarde would exercise his profession for now. Over time, there would emerge a significant amount of lawyers who chose not to practice for fear of appearing disloyal to the new regime. With time, a genuine anti-revolutionary attitude would crystallise among those former *avocats au parlement*. For as Berlanstein puts it, "lawyers were not bound inextricably to the revolutionary movement."¹⁶⁹ Many would come to distance themselves from it, despite some possible initial flirtation, as was demonstrated by Chauveau-Lagarde's pamphlet. What this phenomenon demonstrates is that, despite the fact that numerous prominent future revolutionaries had links to the legal world, often as lawyers, the majority of French lawyers would not be prone to follow the path that the French Revolution would eventually take.

From this time on, when it came to mounting a defence in court, defendants would have the right to designate whomever they wished as their legal advocate. And as Isser Wolock points out, in regards to ridding the new judicial system of its previous hierarchic characteristics, "counsel could no longer appear in the courtroom garbed in special costume."¹⁷⁰ Chauveau-Lagarde nonetheless continued to practice law, which would ultimately result in his appearance before those determined to rid the Republic of supposed traitors, something which would come

¹⁶⁶ Schama, *Citizens*, 515.

¹⁶⁷ Bell, *Lawyers and Citizens: The Making of a Political Elite in Old Regime France*, 190-191.

¹⁶⁸ *Ibid.*, 193.

¹⁶⁹ Berlanstein, "Lawyers in Pre-revolutionary France", in *Lawyers in Early Modern Europe and America*, 176.

¹⁷⁰ Wolock, *The New Regime: Transformations of the French Civic Order, 1789-1820's*, 323.

all too soon. Yet prior to that time, an interesting occurrence took place, across the years 1790 and 1791, which saw him come to blows, in a fairly public manner, with one of the most famous of revolutionaries. This was Jean-Paul Marat, who made a name for himself as a journalist during the Revolution. He would come to spew hatred of anything that threatened the interests of the regime that had replaced the monarchy of Louis XVI. And the traces of his feud with Chauveau-Lagarde can be located in the newspaper that he founded to give voice to his expressions, *L'Ami du Peuple*. The articles in question were reproduced in a nineteenth century publication titled *Les avocats au conseil du Roi*. According to this work, Chauveau-Lagarde submitted a petition to the National Assembly on behalf of one Trouart de Riollet. And "Cette démarche ne fut pas du goût de Marat."¹⁷¹ The famous journalist apparently responded to Chauveau-Lagarde's advocacy of this individual by way of his revolutionary newspaper. At one point, his denunciation culminated in the following exclamation:

"*Chauveau de la Garde*: vous ne serez désormais connu que pour un orateur qui outrage, sans pudeur, la bonne foi, insulte à la raison, foule aux pieds la vérité, que pour le défenseur des scélérats. *L'Ami du peuple* imprime aujourd'hui le cachet de l'opprobre sur votre front."¹⁷²

Chauveau-Lagarde responded to such an allegation by means of, as Émile Bos puts it in *Les avocats au conseil du Roi*, "un placard qu'il fit afficher aux endroits les plus fréquentés de la capitale". The author claims it was in the possession of Chauveau-Lagarde's son. Through the message, he angrily denounces the accusations made by Marat, going so far as to state that he, Chauveau-Lagarde, defended Marat "contre les abus de pouvoir dont tu as été menacé, parce que je hais le despotisme encore plus que Marat et que je le hais contre Marat lui-même."¹⁷³ The hatred between the two men is quite evident here. Small wonder, then, that Aimé-Martin, in his pamphlet on Chauveau-Lagarde, referred to him as "l'adversaire de Marat".¹⁷⁴ Such a heated exchange is reflective of revolutionary radicalism on the one hand, as expressed by Marat, and a denunciation of such a perspective on the other by a much more moderate voice, if not one which has completely turned against the Revolution. Yet despite this skirmish of words, it would not be long before Chauveau-Lagarde would be tainted by association with the counter-revolution.

¹⁷¹ Émile Bos, *Les avocats au conseil du roi: Étude sur l'ancien régime judiciaire* (Paris: Imprimerie et Librairie Générale de Jurisprudence, 1881), 546.

¹⁷² Ibid., 547.

¹⁷³ Ibid., 548.

¹⁷⁴ Aimé-Martin, *Quelques Esquisses de la vie judiciaire de M. Chauveau-Lagarde*, 3.

For following the October days, in 1789 and prior to Chauveau-Lagarde's spat with Marat, the political destiny of France had appeared to sway in the direction of a constitutional monarchy. There were the so-called *Fêtes de la Fédération*, which were held to mark the first anniversary of the Revolution. And publicly, Louis XVI and the royal family appeared to embrace the changes, as was demonstrated by their participation in these revolutionary festivals.¹⁷⁵ Though privately, the royals harboured a very different conservative agenda, which culminated in an audacious attempt at escape, known to posterity as the Flight to Varennes. It took place on June 20, 1791. This attempt came too late, and was hampered by just enough flaws to see it fail, which it did a few days after the royal family's departure. Following this very obvious attempt to resist revolutionary change, which failed following the royal family's capture at Varennes, a story was concocted that the escapees had been abducted by enemies of the French Revolution. Though no one truly believed this fabricated version of events.¹⁷⁶ In April of 1792, France declared war on Austria, Marie Antoinette's homeland. On September 20 of that same year, the monarchy was officially abolished. This occurred following the September massacres and the infamous assault on the Tuileries Palace, where the Swiss Guard were killed by assailants. The fate of the royal family, who were thereafter imprisoned in the Temple prison, was just about sealed.

Following these events, the National Convention was established. In December of 1792, King Louis XVI of France, referred to as Louis Capet by his detractors, was put on trial. The circumstances of this event are of importance due to the comparisons that can be drawn between his predicament and that of other notable counter-revolutionaries who were to be judged by the Revolutionary Tribunal, especially in the case of members of the royal family. The political atmosphere that emerged following the abolishment of the French Monarchy was of importance in this regard. For the Convention which eventually came to power in the wake of the king's fall was the setting for two powerful sets of opinion to be made felt. These belonged to those political factions known as the Girondins on the one hand and the Jacobins on the other. The former were far more moderate than the latter. One of the consequences of this difference in political opinion was a debate about the ultimate fate of the former king of France, and it was not a debate that

¹⁷⁵ Indeed, in her study titled *Festivals and the French Revolution*, Mona Ozouf writes, regarding the Festival of the Federation of the year 1790, that this particular event "is an apotheosis for those who see July 1790 as evidence of a Revolution still in harmony with itself, while for others, it is merely an illusion, as perishable as its plaster decorations." See: Mona Ozouf, *Festivals and the French Revolution*. Translated by Alan Sheridan. (Cambridge, Massachusetts: Harvard University Press, 1988), 35.

¹⁷⁶ As mentioned in the historiographical component, Timothy Tackett, in his account on the flight, details the extent to which this event was responsible for the coming of the Terror.

resolved itself overnight. Indeed, David P. Jordan, author of a scholarly analysis on the king's trial, has written that "Most of the revolutionaries would have been happier had Louis died defending the Tuileries", as "the troublesome question of what was to be done with "Louis the Last" would have been answered."¹⁷⁷ Some wanted to try Louis, and others did not. Ultimately, a trial was agreed upon. He would be brought before, not the infamous Revolutionary Tribunal, which had yet to be established, but rather the Convention.

At this stage of the Revolution, there were marked differences between the treatment of the king during his trial and the trials that Chauveau-Lagarde would later take part in. For one thing, the king was permitted a fair amount of time to work on his defence, which, in the end, consisted of three lawyers. Chauveau-Lagarde was not among this group. Yet the group of those who would come to make up his defence team are notable for what they represented. For one thing, the famed lawyer Target had been approached as a possible lawyer for the king, but refused due to the troubling political atmosphere in existence and what this could have meant for him. Yet his "caution earned him the scorn of royalists and revolutionaries alike."¹⁷⁸ However, one elderly man who agreed to represent the king was Malesherbes. Another was François-Denis Tronchet. And when it was decided to accord a third lawyer for Louis' defence, the man selected was Raymond DeSèze. His appointment is significant due to the fact that he had been one of many lawyers who refused to practice under the New Regime, and in effect came out of retirement to fulfil his duty to the deposed sovereign. Chauveau-Lagarde, by contrast, had not retired. And another notable aspect of the trial in contrast to that of others during the Terror was the presence of physical evidence, located in the *armoire de fer*. Furthermore, there would actually be voting to decide the king's fate, which ultimately resulted in a death sentence. This was carried out on January 21, 1793.

The official Terror had yet to make its presence felt. And it should be noted that there is a record of cases that Chauveau-Lagarde undertook prior to that time. This record starts in 1791, and the clients for whom he undertook these defences are largely unknown individuals. And these cases occurred in various administrative districts of Paris. What is more, they related to issues that did not have to do with being a counter-revolutionary, which shows that Chauveau-Lagarde's career was not entirely bound up with the politics of the time in question. The cases

¹⁷⁷ David P. Jordan, *The King's Trial: Louis XVI vs. the French Revolution* (Berkeley and Los Angeles: University of California Press, 2004), 56.

¹⁷⁸ *Ibid.*, 117-118.

listed in this record go up to the early days of October 1793.¹⁷⁹ However, the setting for one of Chauveau-Lagarde's far more notable cases, one that would result in a victory for the lawyer, had its origins back in April of 1792, due to the French declaration of war on Austria. This was the beginning of a conflict between France and practically the rest of monarchical Europe that was to endure until the final defeat of Napoleon in 1815. General Charles Dumouriez played a role in the French victory of the battle of Valmy. This victory was crucial to the survival of the Revolution in France.¹⁸⁰ Yet Dumouriez would eventually defect to France's enemies and be deemed a traitor by the authorities in Paris. Prior to this, serving in the same campaign under him was someone who, over the course of time, came to play a large role in the revolutionary movements of South America. This was General Francisco Miranda. However, he would eventually be accused of treason back in Paris due to how his actions unfolded on the battlefield. For he would be "outflanked by an Allied army twice his twenty thousand effectives, forced to abandon the siege and make a hasty and disorganised retreat. He lost three thousand men to Austrian cavalry charges, for only a few dozen enemy casualties."¹⁸¹ He would be put on trial before the Revolutionary Tribunal, unsurprisingly accused of having betrayed the nation. As one of his English biographers, William Spence Robertson, puts it, "The public prosecutor, Fouquier-Tinville, framed the charge against the prisoner which, in brief, accused him of having conspired with Dumouriez to commit treason."¹⁸² Chauveau-Lagarde would emerge as Miranda's legal defender during his trial, which took place in May of 1793. The Revolutionary Tribunal had been established in March.

There fortunately exists a transcript of the defence that Chauveau-Lagarde would mount for his client. The defence in question revolves around his closing arguments at the trial, his "plaidoyer". When one looks at transcripts of revolutionary trials during this period, one notices that the clients do much of the answering to the questions themselves. Miranda would do this, as would others who were brought before the Revolutionary Tribunal. And this sometimes helped sway a case in a certain direction. But in the cases that Chauveau-Lagarde participated in, he was, for the most part, permitted the right to speak in his clients' defence towards the end of the trial. It

¹⁷⁹ This record is located in: A. Douarche, *Les tribunaux civils de Paris pendant la Révolution, 1791-1800 : Documents inédits. Tome 2.* (Paris, 1907), 1054.

¹⁸⁰ As Munro Price has stated, "Valmy, not the events of 10 August, sealed the fate of the royal family. They had survived the storming of the Tuileries," but France's victory during this battle "put paid to their hopes of liberation." See: Price, *The Road from Versailles*, 314.

¹⁸¹ David Andress, *The Terror: The Merciless War for Freedom in Revolutionary France* (New York: Farrar, Straus and Giroux, 2006), 154.

¹⁸² William Spence Robertson, *The life of Miranda. Volume I.* (Chapel Hill: University of North Carolina Press, 1929), 135.

should be noted that in this situation regarding Miranda, the speech that was recorded by the *Barreau Français* is over forty pages in length, so it elaborated on many details. During the trial, there were those who offered useful testimony on the general's behalf. As Spence writes, "Damaging statements made by witnesses for the prosecution were refuted by witnesses for the defense." There was even one witness of the trial who praised the manner in which Miranda conducted himself as he spoke.¹⁸³ Yet Miranda's lawyer had a chance to speak, and when he did, he "pleaded eloquently for the accused general."¹⁸⁴ An analysis of this speech provides an idea of what was required for a successful pleading. Chauveau-Lagarde begins his defence in this regard with a commendation of Miranda's character. He wonders aloud how it is that this general, one "qui, dans toute l'Europe, est connu par sa philosophie, par ses principes et par son caractère, pour l'un des plus zélés partisans de la liberté," should be accused of treason.¹⁸⁵ Furthermore, in regards to Miranda speaking for himself, Chauveau-Lagarde stated that "il s'est montré dans ce tribunal le plus éloquent défenseur qu'il pût avoir pour lui-même".¹⁸⁶ He then goes on to insist that he, Chauveau-Lagarde, will show "qu'au lieu d'avoir trahi la patrie, il en a toujours bien mérité". Serving the cause of France was its own reward for Miranda.¹⁸⁷

The speech begins with a brief history of Miranda's family background, illustrating how they have been established in South America for close to two centuries. Furthermore, Chauveau-Lagarde insists that the oppression found in South America "lui fit souhaiter de bonne heure d'en sortir et de voyager."¹⁸⁸ Further details are then provided quite substantially about Miranda's career up to the present time. His presence at the Spanish court and his military exploits are mentioned. He wanted to aid the American revolutionaries in their fight for independence, but was refused. Though he eventually did take part in another expedition to the Americas.¹⁸⁹ He then proceeded to research the revolutionary tactics that had been employed. These were followed by other travels across Europe to examine more military tactics, as well as other governments. In this portrayal, Chauveau-Lagarde attempts to offer a picture of a very well rounded individual, which he evidently feels can help in obtaining a favorable verdict. Everything has to do with appealing to the judges, and this mode of defence would eventually lead to emphasizing Miranda's loyalty to France. As the speech continues, Chauveau-Lagarde brings up Miranda's meeting with Prince

¹⁸³ Ibid., 136.

¹⁸⁴ Ibid., 137.

¹⁸⁵ *Annales du Barreau Français ou choix des plaidoyers et mémoires les plus remarquables*, 1-2.

¹⁸⁶ Ibid., 2.

¹⁸⁷ Ibid., 3.

¹⁸⁸ Ibid., 3-4.

¹⁸⁹ Ibid., 5.

Potemkin, Catherine the Great's imperial partner. He speaks of the general's meeting with the Empress herself, as well as Joseph II and the king of Poland.¹⁹⁰ However, bearing in mind his republican audience, Chauveau-Lagarde is nonetheless quick to dismiss any notion of Miranda's possible flirtation with such monarchic characters. He states that Catherine the Great had offered him a position, but that he refused, because "ses voyages n'avaient point pour but l'ambition, mais seulement le désir de s'instruire, et de rendre un jour cette instruction utile à ses pauvres compatriotes, excessivement opprimés par un gouvernement arbitraire." He refused the offers, preferring to devote himself to liberty, according to Chauveau-Lagarde.¹⁹¹ Chauveau-Lagarde also placed emphasis on those locations which had some form of government based on liberty, which leads him to state in his speech that Miranda came to the conclusion that people cannot be happy "que dans les gouvernements démocratiques."¹⁹²

Miranda's eyes eventually turned towards France, a place still subjected to the tyranny of absolutism.¹⁹³ Yet after witnessing the events of August 10, 1792, he was "convaincu que le peuple avait toute l'énergie nécessaire pour défendre sa liberté". He therefore threw himself into the military to help in this regard.¹⁹⁴ Chauveau-Lagarde then goes on to detail Miranda's accomplishments once he joined the army to defend France, as well as a few successes on the general's part. He insists that Miranda, aside from being "cet intrépide défenseur de la patrie, ce sage conseiller de l'État," was "un administrateur éclairé de l'armée."¹⁹⁵ He goes into detail when it comes to addressing Miranda's situation under Dumouriez at Maastricht, and why Miranda acted the way he did, which may have aroused revolutionary suspicions. For one thing, he insists that Miranda was only acting on the instructions that he had been given by his superiors.¹⁹⁶ And when he did take action through his military duties, Chauveau-Lagarde is quite insistent on the fact that "il ne néglige aucune précaution, et fait avec l'exactitude la plus scrupuleuse tous les préparatifs nécessaires."¹⁹⁷ Throughout the speech, Chauveau-Lagarde intends to present Miranda as a patriot first and foremost through vivid descriptions of his actions in defence of France, which at the same time is meant to counteract the accusations of treachery. He even described a brief skirmish between Miranda and Dumouriez, with the former insisting to the latter that he

¹⁹⁰ Ibid., 8.

¹⁹¹ Ibid., 9.

¹⁹² Ibid., 10.

¹⁹³ Ibid., 10-11.

¹⁹⁴ Ibid., 11-12.

¹⁹⁵ Ibid., 14.

¹⁹⁶ Ibid., 15-17.

¹⁹⁷ Ibid., 18.

would always fight for liberty and remain loyal to the Republic. Dumouriez, relates the lawyer, was apparently becoming increasingly exasperated with Miranda.¹⁹⁸

The portrayal of Dumouriez in a somewhat negative light makes its presence felt to an extent, beginning with him giving Miranda a seemingly impossible task in relation to a battle he wished him to take part in.¹⁹⁹ And during this battle, Miranda's troops "ont fait dans cette journée des actes de la plus grande bravoure, dont les viles calomnies de Dumourier ne pourront jamais effacer la gloire."²⁰⁰ Though his actions ultimately resulted in a retreat from the battle, Miranda should not be blamed as such a course of action was often taken by some of the greatest men in history.²⁰¹ Chauveau-Lagarde, overall, attempts to point out that Miranda was in the right through the actions he performed, as opposed to the generals he served alongside or under, Dumouriez included. Miranda even attempted to justify himself once he had returned to France from his campaign. Yet this did not prevent him from being accused "de s'être rendu coupable de haute trahison de concert avec Dumourier."²⁰² Chauveau-Lagarde then goes on to analyze this accusation as part of his defence before the Revolutionary Tribunal. The section which deals with this analysis is titled *Accusation invraisemblable*.

This portion of his defence begins with praise towards the fact that "la réforme de nos lois criminelles a fait heureusement prévaloir les preuves morales". Juries can therefore follow their consciences.²⁰³ He goes on to reiterate all of Miranda's virtues. The most obvious was that "il s'occupe surtout des intérêts de la République, il ne désire que le bien de la République".²⁰⁴ He pleads astonishment at the fact that Miranda could be accused of treason due to complicity with Dumouriez, someone whom Chauveau-Lagarde makes a point of not praising.²⁰⁵ This plea is followed by pointing out the lack of physical evidence, a portion of the defence which could be said to make up a separate section of the speech. Furthermore, Chauveau-Lagarde asks what treason was possibly committed by explaining in detail the reasons why events occurred the way they did, in one case, saying how defeat was inevitable. He states that "la raison de ces différens

¹⁹⁸ Ibid., 20-22.

¹⁹⁹ Ibid., 22-23.

²⁰⁰ Ibid., 23.

²⁰¹ Ibid., 23-24.

²⁰² Ibid., 28.

²⁰³ Ibid., 28-29.

²⁰⁴ Ibid., 31.

²⁰⁵ Ibid., 32.

revers est dans la nature même des choses, mal ordonnées par l'imprudence ou par l'impéritie de Dumouriez".²⁰⁶ Furthermore, Miranda was simply following orders that were given to him from his superiors. The treason, Chauveau-Lagarde argues, is imaginary.²⁰⁷

It is towards the end of his defence, in another section, that Chauveau-Lagarde classifies Dumouriez as a traitor to the Republic, even though by his actions it may not always have appeared that way. Through his correspondance, he shows himself to be "vain et présomptueux par caractère".²⁰⁸ Dumouriez therefore emerges in this speech almost as a villain, which is one of the techniques that Chauveau-Lagarde employed to get Miranda cleared of all charges. He points out that there were witnesses who could testify to his good character during his time in war.²⁰⁹ And so ended his elegant piece of oratory in defence of Miranda. The general was ultimately found not guilty following his trial on May 16, 1793.²¹⁰ The value of this lawyer by the general's side in his time of need is shown by what happened next: "On avait porté en triomphe le Général chez son défenseur". And Marat was further incensed by Miranda's acquittal, as well as Chauveau-Lagarde's role in it.²¹¹ Overall, this trial can ultimately be seen as a demonstration of Chauveau-Lagarde's ability as a lawyer during these increasingly perilous times. And though there were other elements during the trial which contributed to Miranda's acquittal, Chauveau-Lagarde's role should not be discounted. Though not the only voice pleading for the general's life, he was nonetheless one of them. And if nothing else, his presence is reflective of a time when a fair trial was possible when accused of treason. And William Spence Robertson has even written that Chauveau-Lagarde offered "One of the most comprehensive views of Miranda's mental traits" while "making allowance for time and circumstance".²¹² What is more, Chauveau-Lagarde's speech in defence of Miranda showed the kind of rhetoric that was necessary for a successful verdict during the time in question. Mainly, a rhetoric that constantly emphasized loyalty to the Republic. Furthermore, the manner in which Chauveau-Lagarde spoke should be stressed, for there would come a time during the Revolution when the manner in which he chose to defend a certain client, meaning the words that he would employ in that defence, would bring about a rebuke. But that would only be in the later stages of the Terror. Miranda would go on to play an important role in the Age of Revolution in South America. Miranda and Chauveau-

²⁰⁶ Ibid., 33.

²⁰⁷ Ibid., 34-35.

²⁰⁸ Ibid., 39-40.

²⁰⁹ Ibid., 42.

²¹⁰ Robertson, *The life of Miranda. Volume I*, 138.

²¹¹ Bos, *Les avocats au conseil du roi: Étude sur l'ancien régime judiciaire*, 549.

²¹² Robertson, *The life of Miranda. Volume II*, 239.

Lagarde apparently kept in touch, as is demonstrated by a letter found in the Archives Nationales regarding a business matter, in which the general addresses his former lawyer as “mon cher ami”.²¹³

Following the successful outcome of the trial of General Miranda, Chauveau-Lagarde would eventually find himself at the defence of someone whose name would forever be associated with the death of one of the French Revolution’s most devoted disciples. This disciple was none other than Jean-Paul Marat, whose previous hatred of Chauveau-Lagarde has already been illustrated. His assassin went by the name of Charlotte Corday d’Armont, though history remembers her simply as Charlotte Corday. She was a resident of the city of Caen, and she was a mere 25 years old when she carried out the deed that would solidify her place in history as, in Schama’s words, “a woman who would be prepared to die in the sacred deed of ridding the *patrie* of a monster.”²¹⁴ Lynn Hunt concurs with this view, writing in her study on the familial aspects of the French Revolution, that “Corday portrayed herself as the good daughter willing to sacrifice her life to rid the republic of a tyrant.”²¹⁵ Charlotte Corday was a Girondin at heart, and was appalled by the radical extent of Marat’s actions and beliefs. She vowed to rid France of this fanatical monster. On July 13, 1793, she managed to get an audience with him in Paris. Once that was achieved, she stabbed him to death when he was in his bathtub, and once the deed was done, she waited patiently to be taken away, making no effort to escape. She seemed quite aware what fate awaited her. The day she went on trial, the advocate she had written to in order to acquire some legal assistance during her plight, for one reason or another, made no appearance. Yet Chauveau-Lagarde was present in the courtroom at the time, and the judges who were presiding simply designated him as Corday’s lawyer for the trial. Therefore, Chauveau-Lagarde came to defend one of the Revolution’s most famous characters completely by coincidence. And as time would show, despite the fact that his defence ultimately would not change Charlotte Corday’s fate, Chauveau-Lagarde could nonetheless add her to his list of famous clients that he would defend during the Revolution. And his specific choice of words when defending her were of more significance than they might have seemed at first glance, as will be illustrated.

An early nineteenth century publication contains a transcript of a supposed dictation by Chauveau-Lagarde of his experiences as Charlotte Corday’s lawyer. It was translated for an

²¹³ AN 476AP/16.

²¹⁴ Schama, *Citizens*, 729.

²¹⁵ Lynn Hunt, *The Family Romance of the French Revolution* (Los Angeles: University of California Press, 1993), 81.

English readership, and the publication went by the title *Women: Their Condition and Influence in Society*. The author was Joseph Alexandre Pierre de Ségur, and he apparently interviewed Chauveau-Lagarde, according to this publication. There therefore exists a first hand account of the lawyer's experiences, one which is from his own perspective. Yet it should be noted that part of this same dictation has appeared in a collection of primary documents relating to the Revolution, a collection in which it is referred to as a portion of memoirs that Chauveau-Lagarde authored at one point.²¹⁶ Whatever the original form of this perspective, it is most likely Chauveau-Lagarde's. He related that, in regards to his presence when Corday was put on trial, he was there "upon other business".²¹⁷ Shortly after, in Chauveau-Lagarde's own words, "The trial commenced, and was terminated in less than half an hour."²¹⁸ Chauveau-Lagarde portrays Corday in glowing terms. He also makes an interesting comment regarding the newspapers of the time, saying "the journalists of that period did not dare to publish" the responses she gave at her trial.²¹⁹ He relates the answers she gave in regards to her plan to kill Marat with some accuracy. The weapon she used, according to Chauveau-Lagarde, was actually brought into the courtroom.²²⁰

Chauveau-Lagarde's behaviour during the trial of Charlotte Corday is notable due to the manner that the lawyer confronted a particular situation during the ordeal. Historian Stanley Loomis, author of an account of the Terror in Paris, has gone so far as to write that "Chauveau-Lagarde was not concerned with trying to save Charlotte Corday. That, of course, would not have been possible."²²¹ Corday's serene behaviour following Marat's assassination was sufficient enough to prove this fact. Yet as would be demonstrated by later show trials during the Revolution, the authorities presiding over Corday's fate would not have missed the opportunity to blacken her reputation due to her supposed association with the counter-revolution. Indeed, during the trial, Chauveau-Lagarde was slipped a note, urging him to say that Corday was insane. As Loomis writes, "This plea, which would not have saved his client's life, was intended to humiliate her and to divest her act of the aura of patriotism that surrounded it".²²² Chauveau-Lagarde has related the experience of speaking on her behalf and how he chose to confront the

²¹⁶ Gérard Walter, *Actes du Tribunal Révolutionnaire* (Paris: Mercure de France, 1968), 26.

²¹⁷ Joseph Alexandre de Ségur, *Women: Their Condition and Influence in Society* (London: T. Gillet, Salisbury Square, 1803), 51.

²¹⁸ *Ibid.*, 52.

²¹⁹ *Ibid.*, 53.

²²⁰ *Ibid.*, 54-57.

²²¹ Stanley Loomis, *Paris in the Terror: June 1793-July 1794* (Philadelphia: Lippincott, 1964), 144.

²²² *Ibid.*, 144. The issue of whether or not Corday's supposed insanity (the prospect of which will be addressed shortly) would have saved her must be measured against the high-profileness of her victim, Marat.

situation he found himself in. He writes that “the president confined the ground of my defence to a plea of insanity. They were all anxious that I should degrade her.”²²³ Furthermore, he insists that because of what had transpired in the courtroom during the trial, the act could not be considered anything other than “*premeditated homicide*.”²²⁴ Therefore, Chauveau-Lagarde gave an answer which did not condemn her as insane while avoiding the demonstration of too much sympathy with his client. He said that Corday “acknowledges every thing of which she is accused”. Yet he attributed her actions to, in his own words, “political fanaticism”. At the end of his speech, he noted how, in regards to Corday, “an air of satisfaction beamed on her countenance.”²²⁵ Jean-Denis Bredin, from *l'Académie française*, and author of a biography on Charlotte Corday, made the following observation on Chauveau-Lagarde’s speech of defence: “Qu’a-t-il plaidé? Rien. Rien que l’exaltation et le fanatisme de l’accusée qui lui ont mis le poignard à la main.” Furthermore, Bredin has pointed out that “Beaucoup de biographies de Charlotte Corday seront sévères à l’égard de cette plaidorie.” Yet he points out a comment that another lawyer made in regards to the speech, that Chauveau-Lagarde did the best he could under the circumstances.²²⁶ This is a fair assessment of the situation. Because his undertaking of her defence was completely unexpected, the enthusiasm of the lawyer can only be wondered at. But in this situation, it was a question of duty as a lawyer to the accused and because he was appointed by the authorities to that position. Corday was unsurprisingly condemned to be executed. However, she expressed great satisfaction to the manner in which Chauveau-Lagarde had conducted her defence and offered him her thanks, while making the request that he pay her debts, which he did.²²⁷ Corday was sent to the guillotine shortly after her trial.

R. R. Palmer has stated in his classic work on the Committee of Public Safety that “The Mountain won a new martyr, and so did the Gironde, since the comely Charlotte soon paid for her audacity.”²²⁸ And William Doyle has gone further, asserting that “she was adopted as a martyr by a whole spectrum of anti-Montagnards from moderates to royalists.”²²⁹ Charlotte Corday would indeed become revered not only by the Girondins but also by royalists. This being said, in his study on Marat’s assassination and Corday’s role in it, Guillaume Mazeau elaborates on how this woman was quite literally idolized in the nineteenth century. He goes so far as to state that

²²³ Ségur, *Women: Their Condition and Influence in Society*, 58.

²²⁴ *Ibid.*, 59.

²²⁵ *Ibid.*, 60.

²²⁶ Jean-Denis Bredin, “*On ne meurt qu’une fois*”: *Charlotte Corday*. (Paris: Fayard, 2006), 206.

²²⁷ Ségur, *Women: Their Condition and Influence in Society*, 61.

²²⁸ Palmer, *Twelve Who Ruled*, 38.

²²⁹ Doyle, *Oxford History of the French Revolution*, 247.

“Marie-Thérèse de France, fille de Marie Antoinette et de Louis XVI, pleure en évoquant son nom.”²³⁰ What is more, “L’imagerie officielle de la monarchie de Juillet recourt à beaucoup de figures féminines.” Charlotte Corday was among them, along with Joan of Arc.²³¹ Corday therefore became quite useful when it came to propaganda in order to attack the excesses of the Revolution. And history is full of examples of such martyrs being employed to denigrate the more negative aspects of revolutionary movements. Yet one can only wonder if in death she would have had such a use had her official defence lawyer acquiesced in proclaiming her insane at her trial. Though it is also possible that had Chauveau-Lagarde done what the revolutionary authorities had told him to do when defending Corday, his acquiescence may have just been interpreted as doing so under the most severe kind of duress. But the fact remains that he refused to declare Corday insane. And his efforts in this regard were recognized by his client, as was shown by her remarks to him following the verdict that was handed down which secured her execution. Finally, it should be noted that another possible outcome could have emerged from the trial. For it has been suggested that the judge who was interrogating Corday, Montané, desired her proclaimed insane in order to save her life.²³² The possibility of such an outcome taking place, given the feverous atmosphere of the time, must be consigned to the domain of historical speculation. Though it was a political trial. And as Mazeau has stated, “Le procès de l’assassin de Marat est avant tout destiné à éliminer les Girondins.”²³³ Yet Chauveau-Lagarde’s decision to plead the way he did, given the way that things *could* have turned out had he said that Corday was insane, indicates that his position as her lawyer was not entirely pointless. And he would continue to act as a lawyer in the midst of an increasingly radical French Revolution.

²³⁰ Guillaume Mazeau, *Le Bain de l’histoire: Charlotte Corday et l’attentat contre Marat, 1793-2009*, (Champ Vallon), 267.

²³¹ *Ibid.*, 278-279.

²³² *Actes du Tribunal Révolutionnaire*, 26.

²³³ Mazeau, *Le Bain de l’histoire*, 144.

CHAPTER III

CHAUVEAU-LAGARDE'S LEGAL CAREER DURING THE TERROR

3.1 The significance of the Terror for Chauveau-Lagarde

Despite Charlotte Corday's celebrated claim that her actions were meant to prohibit further bloodshed through her assassination of Marat, this is not how events played out. The hardened revolutionaries became ever more paranoid about threats to the regime that had been established in place of the monarchy. Fears of conspiracy against the Revolution, both from inside and outside of France's borders, were everywhere. The declaration of Terror as the Order of the Day on September 5, 1793, would mark a new phase in Chauveau-Lagarde's life during the French Revolution. But this means that another had ended, which had begun with the composition of his pamphlet on how he felt the Estates General should be composed. Chauveau-Lagarde had shown sympathy with the initial aims of the revolt against absolutism due to how this might benefit France. Yet as time went on, he came into conflict with some of the Revolution's more radical supporters, and had found himself defending individuals accused by the new regime, a situation which would repeat itself. And it should be noted that in examining the way he chose, and would choose, to comport himself before the Revolutionary Tribunal was mitigated by extreme circumstances which constrained the way he could defend his clients. This freedom of expression had been evident in his pamphlet. Yet despite such circumstances, his decision to continue in his capacity as a lawyer showed a true dedication to the law under whatever conditions he happened to find himself in, especially when many of his former colleagues chose not to continue practicing. In defending his more notable clients who were accused by the Revolution, he would come to be perceived in the same light as they were due to the position he was in as their lawyer, even if that position had been technically sanctioned by the new regime.

The official declaration of the Terror by the National Convention signified the reaction of a regime in fear of its very existence. One factor of this fear had been the dispatching of several representatives-on-mission, the Convention's agents who attempted to filter out the spirit of the counter-revolution across the country. Yet the Committee of Public Safety, which had been

established shortly after Dumouriez's desertion back in April of 1793, would be at the center of the Terror. Its path in assuming authority in France dated to before the declaration of September 5, 1793.²³⁴ François Furet states the following in regards to the revolutionary power structure : "En l'an II, le pouvoir du peuple est enfin assis sur une pyramide d'identités : le peuple est dans la Convention, qui est dans le Comité de Salut public, qui sera bientôt dans Robespierre."²³⁵ In visual terms, the guillotine symbolizes this period of French history. Yet the path to the executioner was first through the Revolutionary Tribunal. This body of judgement, though composed of judges and juries, would "embrace the punishment (by death) of counter-revolutionary offences across France."²³⁶ Its efficiency in eliminating the Revolution's enemies would increase as time went on, and include any number of supposed counter-revolutionaries.²³⁷ Its attention would soon be focused on one of its most celebrated victims, and Chauveau-Lagarde's most famous client, Marie Antoinette. In examining her ordeal among others, Chauveau-Lagarde can be viewed within the context of the justice system of the time in question. Such a system consisted of both those who dispensed justice and those who were subjected to it. It is by examining Chauveau-Lagarde's relations with both these groups that his true position emerges.

3.2 Trial of Marie Antoinette and aftermath

Following the execution of her husband, the official ex-queen of France was thereafter referred to as the Widow Capet by her detractors, and there were many. Yet in regards to what was to happen to her after the death of Louis XVI, the situation was not as clear as the power of hindsight might suggest. A recent biographer of Marie Antoinette, Antonia Fraser, has written that "there was no foregone conclusion about the fate of Marie Antoinette. There was no tradition of queen consorts... being tried and executed in history".²³⁸ In addition to this comment, Lynn Hunt has stated that "The trial of a queen, especially in a country whose fundamental laws specifically excluded women from ruling, must necessarily be unusual." For "There was not much in the way of precedent for it – the English, after all, had only tried their king, not his

²³⁴ David Andress states that towards the end of July, 1793, "the Committee of Public Safety was firming up its identity as a controlling agent of state power". See: Andress, *The Terror*, 198-199.

²³⁵ Furet, *La Révolution*, 234.

²³⁶ Andress, *The Terror*, 162.

²³⁷ Furet writes that "C'est à partir d'octobre que le nombre des victimes de la Terreur révolutionnaire s'accroît brusquement". See : Furet, *La Révolution*, 237.

²³⁸ Antonia Fraser, *Marie Antoinette: The Journey* (New York: Doubleday, 2001), 407.

wife".²³⁹ One possible solution of what to do with this captive royal related to her employment as a political hostage to be used in France's current conflict with Austria, Marie Antoinette's country of origin. This being said, there were certain moderate revolutionaries, Danton among them, who were in favour of taking this course. However, it should be noted that a period of approximately ten months elapsed between the execution of Louis XVI and the eventual trial of his wife. During that time, the French political atmosphere had hardened considerably. And with time, it became apparent that Marie Antoinette's ultimate use would be to send her to the scaffold to appease revolutionary France.

During her imprisonment, Marie Antoinette had been separated from her infant son, who was hailed as Louis XVII upon the death of his father by royalists. During this separation, he would be brainwashed into testifying that his mother had sexually abused him, a tactic designed to portray the former queen of France as a morally degenerate monster.²⁴⁰ Marie Antoinette was eventually taken to a more solitary prison, the Conciergerie, before her trial was set to commence before the Revolutionary Tribunal in Paris. And though for the majority of onlookers the outcome of the trial was never in doubt, the proceedings nonetheless had some of the formal attributes if not the fair chance of an acquittal. These attributes included the defence that was accorded to the one on trial. Chauveau-Lagarde was one of the lawyers Marie Antoinette would be permitted. The other went by the name of Guillaume Alexandre Tronson-Ducoudray.

In certain historical accounts, Chauveau-Lagarde's age has sometimes been mistakenly given as 28,²⁴¹ which seems rather young. Such an oversight might be due to the fact that in such works, his presence is restricted to a mere mention of his role in relation to Marie Antoinette's ordeal. In reality, at this stage, he would have been 37 years old. What is more, he would eventually compose an account of the trial from his perspective. It was published during the first years of the Bourbon Restoration. Historians Paul and Pierrette Girault de Coursac have stated, in regards to this account, that Chauveau-Lagarde "se donne... le beau rôle". Furthermore, they insist it is plagued by numerous errors.²⁴² It is nonetheless possible to gain insight into Chauveau-

²³⁹ Hunt, *The Family Romance of the French Revolution*, 93.

²⁴⁰ It should perhaps be noted that she would be condemned not for incest as opposed to treason, but this did not deter the revolutionaries from trying to blacken her image still further.

²⁴¹ For instance, André Castelot, *Queen of France: A Biography of Marie Antoinette* (New York: Harper and Brothers, 1957), 373; Vincent Cronin, *Louis and Antoinette* (London: Collins Harvill, 1989), 385; Munro Price, *The Road from Versailles*, 338.

²⁴² Paul et Pierrette Girault de Coursac, *La dernière année de Marie Antoinette* (Paris: F. X. de Guibert, 1993), 125.

Lagarde's position as the defender of Marie Antoinette during her trial through this source. While it should probably not be relied upon in all regards, in some, particularly when it comes to letting Chauveau-Lagarde speak in his own voice, it is helpful. And though he may portray himself in a positive light, the dangers during the Terror of occupying the position that he did should not be underestimated. And self-glorification in memoirs is by no means limited to his composition.²⁴³ For example, Catherine the Great of Russia famously authored her memoirs in order to justify her seizure of power. And Guillaume Mazeau has written that from 1815 to 1830, authoring such memoirs "semble devenir un passage obligé pour les gens de qualité en quête de reconnaissance."²⁴⁴ It was written by Chauveau-Lagarde to exploit his past actions to benefit his current situation. The memoir had been written to flatter Marie Antoinette's image. So while it should be approached cautiously in its depiction of her character, as well as in the depiction of Chauveau-Lagarde's role in her ordeal, they are nonetheless his writings.

The majority of the so-called evidence that was presented against Marie Antoinette during her trial before the Revolutionary Tribunal was essentially years of accumulated slander. The accusations against her included, above all, plotting against the Revolution, notably through seeking help from her Austrian relatives. This charge, however, was actually accurate. The queen, from inside the Tuileries, had despatched information to her allies outside the country.²⁴⁵ Whatever minimal pieces of physical evidence the prosecutors were able to obtain for the trial itself mattered little compared with the hatred of revolutionary France that was fuelling the case against Marie Antoinette from start to finish. If such was the situation, one wonders what hope her official defence could have in trying to help her.

The issue of the queen's defence at this stage was taken up, perhaps unsurprisingly, by the revolutionary authorities themselves. Chauveau-Lagarde writes that he was not in Paris when preparations for Marie Antoinette's trial commenced. As he put it,

²⁴³ The trouble with using memoirs for historical research is elaborated upon in: Jouhaud, Christian et al., *Histoire, Littérature, Témoignage*, (Gallimard, 2009). The authors focus on memoirs written during the seventeenth century, and state that "Ce genre nous est apparu à l'usage comme une construction anachronique, très artificielle, et qui écrase la diversité des objets auxquels il prétend donner sens." (Page 19).

²⁴⁴ Gazeau, *Le Bain de l'histoire*, 269.

²⁴⁵ As Munro Price puts it, "From the revolutionaries' point of view, this was treason". See: Price, *The Road from Versailles*, 292.

“Je me trouvais à la campagne le 14 octobre 1793, lorsqu’on vint m’avertir que j’étais nommé avec M. Tronçon-Ducoudray pour défendre la reine au tribunal révolutionnaire; et que les débats devaient commencer dès le lendemain, à huit heures du matin.”²⁴⁶

He presented himself soon after the summons. And as can be seen from this entry, it had been the intention of the revolutionary authorities to deny sufficient time for the two lawyers to mount a proper defence. In regards to this issue, Chauveau-Lagarde urged the queen to write to the authorities to plead for a delay. However, Marie Antoinette at first refused as this would have meant recognizing the authority of the men who had overseen the judicial murder of her husband.²⁴⁷ Yet her counsel eventually prevailed upon her to do just this, an act which in royalist eyes might have been considered anathema. (Indeed, during the Restoration, Chauveau-Lagarde felt he would have to justify himself for having made a written request to the revolutionary government.)²⁴⁸ However, those who were entrusted with her legal defence, who were known as *défenseurs officiels* under the new regime, nonetheless got her to commit an act which, in a legal sense, recognized the authority of the day. The letter she produced in this regard makes explicit reference to her two defenders, and the fact that they were appointed rather than chosen by her: “Citoyen président, les citoyens Tronson et Chauveau, que le tribunal m’a donnés pour défenseurs, m’observent qu’ils n’ont été instruits qu’aujourd’hui de leur mission.” Furthermore, she writes that she is to be judged the following day and more time is required. Therefore, “Mes défenseurs demandent trois jours de délai”.²⁴⁹ This request was denied. And it should be noted that the letter was written on October 13, which indicates an inaccuracy in Chauveau-Lagarde’s memoirs regarding the exact date when he was informed about his role as the queen’s defender. Yet the mistake is slight, and does not in any way diminish the issue regarding the deliberate shortness of time provided by the revolutionaries for the preparation of Marie Antoinette’s defence. Though it should be noted that Chauveau-Lagarde was not chosen on the spot as was the case with Charlotte Corday.

There is no recorded transcript of Chauveau-Lagarde’s final speech given at Marie Antoinette’s trial, as is the case for the analysis of Miranda’s defence. Although there are notes of

²⁴⁶ Claude François Chauveau-Lagarde, *Note Historique sur les procès de Marie-Antoinette d’Autriche, Reine de France, et de Madame Élisabeth de France, au tribunal révolutionnaire*. (Paris: 1816), 3.

²⁴⁷ Fraser, *Marie Antoinette*, 428.

²⁴⁸ Jean-Denis Bredin and Thierry Lévy. *Convaincre. Dialogue sur l’éloquence*. (Paris: O. Jacob, 1997), 189.

²⁴⁹ Évelyne Lever, ed., *Correspondance de Marie-Antoinette, 1770-1793* (Paris: Tallandier, 2005), 820.

his which relate to the trial and which are located in the Musée du Barreau de Paris, these have not been consulted for this research. But the gist of what he said will be touched upon. Yet however he and his colleague chose to present their defence, it was something which would have to be done with care. For, in general, as William Doyle writes, "To criticize the Terror was to risk suspicion of sympathizing with its victims, and thereby become one of them."²⁵⁰ This fact would play an important role in the manner that Chauveau-Lagarde discharged his legal duties. Furthermore, "Ce procès est l'exemple même du cas où la parole est étouffée. Les avocats désignés savent bien qu'un mot de trop peut amener le Tribunal révolutionnaire à les poursuivre eux-mêmes et à leur demander des comptes."²⁵¹ And in regards to the actual speeches, "La parole est muselée, presque interdite."²⁵² Finally, during the trial, where it became clear that acquittal was impossible, the lawyers "savent très bien qu'ils ont à défendre non seulement la vie de leur cliente mais la leur."²⁵³ Chauveau-Lagarde's memoir can be employed in examining the situation he found himself in, as can other sources.

In his memoir, Chauveau-Lagarde describes going over the evidence with her, and expresses outrage over what she is being accused of.²⁵⁴ He records the entreaty made to Marie Antoinette in regards to writing to the Tribunal for more time, prior to describing the beginning of the actual trial. There were 41 witnesses that took part, or as Chauveau-Lagarde puts it, "une foule de témoins furent successivement entendus."²⁵⁵ During the ordeal, it was the queen who answered the questions that were asked of her. And Chauveau-Lagarde praises her strength of character, saying "Il faut avoir été présent à tous les détails de ce débat trop fameux, pour avoir une juste idée du beau caractère que la Reine y a développé."²⁵⁶ Though many observations may have meant to offer a positive image of the queen, this one reflects a truism of the extent to which Marie Antoinette's experiences had shaped her character over the years of the Revolution. Chauveau-Lagarde makes use of other texts by those who had written on the queen and her situation. And he writes down some of the answers that Marie Antoinette presented in the face of

²⁵⁰ Doyle, *Oxford History of the French Revolution*, 266.

²⁵¹ This quote comes from a twentieth century dialogue between two lawyers on the subject of the preparation for the queen's trial, (one of whom is Bredin, whose work on Charlotte Corday's trial was cited above) in a discussion which had to do with the overall subject of eloquence when making a speech of this kind. See: Bredin and Lévy, *Convaincre. Dialogue sur l'éloquence*, 186.

²⁵² Ibid., 187.

²⁵³ Ibid., 188.

²⁵⁴ Chauveau-Lagarde, *Note Historique*, 6-7. This is an example of the flattery he accorded to the queen, which would have appealed to his Restoration audience.

²⁵⁵ Ibid., 11.

²⁵⁶ Ibid., 12.

the questioning, denying any wrongdoing when it came to the interests of France to favour those of the country's enemies. Chauveau-Lagarde praises the answers that the queen gave, saying they reflected "*sa présence d'esprit et sa fermeté d'âme*."²⁵⁷

Though Chauveau-Lagarde's account was meant to appeal to a royalist government returned from exile, it could nonetheless be used to dispel the image of a woman who, for so long, was dismissed as a complete airhead. And the *coup de grâce* on her behalf came at the moment when Marie Antoinette was faced with the accusation of having sexually abused her own son, the infant Louis XVII, who was still a prisoner in the Temple. This was, without doubt, the culmination of her reputation up to that point. When asked why she refused to answer, she replied that nature would not allow her to answer such a charge brought against a mother. She then made a passionate appeal to all the mothers who were present in the courtroom. Chauveau-Lagarde recorded his impression, which, despite the position he found himself in when writing his account, is nonetheless reflective of the injustice of the accusation: "*une de ses plus belles réponses à une affreuse interpellation de l'un des jurés*".²⁵⁸ At times, he seems to credit the queen more than himself. And regarding the accusation of incest, Robespierre, who would come to personify the Terror at its worst, was apparently furious when he heard of this charge. Not out of pity for the queen, but because of the sympathy it would inspire in others regarding her predicament. Apparently, whatever his feelings for Marie Antoinette, this form of denigration had no purpose in his eyes.²⁵⁹

In regards to the legal defence that was to be mounted by the lawyers, in other words what they were to say in Marie Antoinette's defence, Chauveau-Lagarde's colleague Tronson Ducoudray concerned himself with "*l'accusation de la prétendue conspiration avec les ennemis de l'intérieur*" while Chauveau-Lagarde dealt with "*l'accusation de la prétendue conspiration à l'extérieur avec les puissances étrangères*".²⁶⁰ (Note his insistence that the conspiracies were non-existent, despite the fact that Marie Antoinette very much did solicit help from outside France.) The work was therefore divided, though they did not have much time to prepare. He then goes on to explain how his final speech was delivered and why it was delivered in such a manner, given the circumstances of the time and place in question. This speech, therefore, made up his arguments. Chauveau-Lagarde says that "*nous épuisâmes en effet tous nos efforts pour détruire*

²⁵⁷ Ibid., 21.

²⁵⁸ Ibid., 25.

²⁵⁹ Address, *The Terror*, 227.

²⁶⁰ Chauveau-Lagarde, *Note Historique*, 28.

les prétendues preuves que nous avons à combattre.”²⁶¹ The main direction the lawyers sought to bring their defence in was by pointing out a lack of authentic evidence.²⁶² There was no denunciation of the manner in which the trial was being conducted, and therefore no denunciation of the Revolution.²⁶³

He insists in his memoir on the admirable way that the defence was carried out in this regard by himself and his colleague, as well as on the absurdity of the idea that they pleaded for clemency from the Revolutionary Tribunal, which would have meant acknowledging that the queen was guilty. This is a point of interest due to how their behaviour in such a regard was reported by certain revolutionary newspapers, *Le Moniteur* being one example.²⁶⁴ This particular newspaper reported the following: “Chauveau et Tronson du Coudray nommés d’office par le tribunal pour défendre Antoinette, s’acquittent de ce devoir et sollicitent la clémence du tribunal. Ils sont entendus dans le plus grand silence.”²⁶⁵ And it should be noted that the newspaper known as the *Père Duchesne*, in a piece written by the radical journalist Hébert, reported that the two lawyers insisted that seeing as how the king had been killed, there was no need to kill the queen.²⁶⁶ Making use of such newspaper references in this situation is to reflect an issue on which Chauveau-Lagarde felt obliged to set the record straight. Such references are not meant to merely reconstruct events, but to define two perspectives on the manner the queen’s defence was carried out, one which is honourable and one which is not. Finally, Chauveau-Lagarde writes that their pleas in the queen’s defence lasted for over three hours.²⁶⁷ Chauveau-Lagarde listed the main points of his defence, the last being the fact that there was no written evidence to support the accusations. In regards to the queen funnelling money out to France’s enemies, there was only one unreliable witness to testify to this.²⁶⁸

The verdict, however, when it came, was a guilty one. Chauveau-Lagarde writes about the calm with which the queen accepted her fate. He notes how “Elle ne donna pas le moindre signe, ni de *crainte*, ni d’*indignation*, ni de *faiblesse*.”²⁶⁹ The accuracy of his perspective in this regard can be corroborated by more than one source. For instance, *Le Moniteur* reported that “no

²⁶¹ Ibid., 33. Here, he is insisting that the evidence is fabricated.

²⁶² Royer, *Histoire de la justice en France du XVIII^e siècle à nos jours*, 348.

²⁶³ Bredin and Lévy, *Convaincre. Dialogue sur l’éloquence*, 192.

²⁶⁴ Chauveau-Lagarde, *Note Historique*, 37.

²⁶⁵ Bredin and Lévy, *Convaincre. Dialogue sur l’éloquence*, 190.

²⁶⁶ Cronin, *Louis and Antoinette*, 390.

²⁶⁷ Chauveau-Lagarde, *Note Historique*, 38.

²⁶⁸ Ibid., 41-42.

²⁶⁹ Ibid., 46.

trace of emotion" made its presence felt as she exited the courtroom.²⁷⁰ Therefore, in praising the courage displayed by Marie Antoinette, Chauveau-Lagarde was expressing a fact that could not be denied, which was acknowledged even by revolutionary newspapers. This was further reflected in the famous sketch by the revolutionary artist David. It shows Marie Antoinette on the way to the guillotine, sitting upright, poised and unafraid of her fate, which she met without faltering. Her execution took place on October 16, 1793, her trial having ended earlier that same day. After her death, Marie Antoinette would be viewed in a number of different ways in regards to the causes of the French Revolution. Some would blame her entirely for the Revolution and others would view her more sympathetically. Yet the judgement which posterity has bestowed upon her has been largely based on the idea of an empty-headed woman who squandered away France's resources. This is to ignore her later experiences which saw her become the backbone of the royal family when her husband could not find the strength to do so. She had faults, but her character did deepen with time, especially during the Revolution when her family was threatened. It is true that she did not compromise with the Revolution which may have led to a genuine constitutional monarchy, and did arguably commit treason. But this observation should be borne in mind with another. As Munro Price writes, she and her husband "were prepared to die for their beliefs, and ultimately did so."²⁷¹

Though his client showed no sign of fear, there was reason for Chauveau-Lagarde and his legal colleague to be worried. For shortly after the trial, he and Tronson Ducoudray were arrested. As he puts it, while the queen was preparing herself for her execution, "Cependant nous étions prisonniers dans la Conciergerie, où l'on nous avait reconduits après le jugement."²⁷² What is more, there is also the issue of who was behind this particular arrest warrant. Émile Bos, whose work has been quoted from above, points the finger at Cambacérès.²⁷³ Furthermore, in the Archives Nationales, there is a note among the papers of Chauveau-Lagarde's son which makes reference to a newspaper article written on the issue of the lawyer's arrest. It reads "Dans un article sur Cambacérès du journal le Droit du 9 mai, 1841 on prétend que Cambacérès avait demandé l'arrestation du défenseur de la reine".²⁷⁴ In any case, whoever ultimately gave the order for the arrest resulted in the two lawyers being interrogated like many an accused counter-revolutionary.

²⁷⁰ Hibbert, *The French Revolution*, 222.

²⁷¹ Price, *The Road from Versailles*, 367.

²⁷² Chauveau-Lagarde, *Note Historique*, 47.

²⁷³ Bos, *Les avocats au conseil du roi: Étude sur l'ancien régime judiciaire*, 558.

²⁷⁴ AN 476AP/28.

The revolutionary authorities were intent on gaining whatever information they could from the lawyers that the queen might possibly have confided to them and which might have proved harmful to France. By modern day standards, this would have constituted a severe breach in the legal rights of anyone brought to trial. Yet this was a time when legal rights existed, to a great extent, largely in theory, especially in regards to accused counter-revolutionaries. Chauveau-Lagarde denied any wrongdoing. Paul and Pierrette Girault de Coursac make reference to Chauveau-Lagarde's answers as they were reported by witnesses to the interrogation. (And it should be noted that Chauveau-Lagarde took the trouble to insist in his memoir that he wanted to correct what had been reported by the newspapers in regards to what he said during this interrogation. For he claims that the newspapers distorted his answers.)²⁷⁵ In any case, according to the account of the witnesses, which was reprinted in *Le Moniteur*, Chauveau-Lagarde stated that

"Je n'ignore pas que mon premier devoir est celui de citoyen. La confiance qui m'a été accordée par le tribunal, loin de m'empêcher de dénoncer les conspirations dont la veuve Capet aurait pu me faire part, aurait été pour moi un nouveau motif de remplir cette obligation sacrée (!)"²⁷⁶

Such a response reflects a realization on behalf of Chauveau-Lagarde on how to appear before the revolutionary authorities. He had to appear as a loyal citizen of France. The manner the two lawyers acquitted themselves is justifiable, as they had good reason to be afraid for their lives.²⁷⁷ Furthermore, Thierry Lévy made the following comment: "Les procès-verbaux de ces interrogatoires rappellent qu'ils sont de vrais républicains et qu'ils ont été contraints d'assurer la défense de la veuve Capet."²⁷⁸ And Jean-Denis Bredin had this to say in regards to their actions: "Ils ont défendu Marie-Antoinette et ensuite ils se sont excusés par tous les moyens de l'avoir défendue."²⁷⁹ If this was so, it was because pragmatism had to be employed due to the paranoia that was pervading Paris. Anyway, both lawyers were released shortly afterwards. And as Chauveau-Lagarde writes, "Quand on nous mit en liberté... *la Reine n'existait plus!*"²⁸⁰

²⁷⁵ Chauveau-Lagarde, *Note Historique*, 50.

²⁷⁶ Girault de Coursac, *La dernière année de Marie-Antoinette*, 126.

²⁷⁷ Paul and Pierrette Girault de Coursac insist on this point. *Ibid.*, 127.

²⁷⁸ Bredin and Lévy, *Convaincre. Dialogue sur l'éloquence*, 188.

²⁷⁹ *Ibid.*, 193.

²⁸⁰ Chauveau-Lagarde, *Note Historique*, 50.

Despite the lawyers' release, as Patrick Fitzsimmons writes in his history of the Parisian Order of Barristers during the French Revolution,

"The questioning of Chauveau-Lagarde shows that the Revolutionary authorities perceived an incompatibility between being a "citizen" and being a "défenseur officieux"; the clear assumption of the interrogators was that a defender was not the advocate of his client's position, but virtually a collaborator with the accused."

This could be seen as a definitive view on the position that Chauveau-Lagarde found himself in. However, Chauveau-Lagarde would live to defend another day, as Fitzsimmons puts it, "much to the admiration of his former colleagues."²⁸¹ The interrogation he was subjected to made apparent the very real dangers of becoming too closely associated with counter-revolutionaries, even if this was in a technically permissible capacity. His life had been in danger, but he was able to extricate himself from any serious consequences. And he refused to let this deter him from continuing to practice law. What is more, it is certain that an impression was made on royalists, whether abroad or in France, who were aware of the presence of Chauveau-Lagarde and his colleague before the Revolutionary Tribunal. For instance, Joseph Weber, who has been described as the foster-brother to Marie Antoinette from her days in Vienna when she was a child,²⁸² published his memoirs on the queen in the early nineteenth century. He makes a reference to her trial, saying that her defenders "acquitted themselves... with a propriety which was heroic in these dreadful times". For this was "when a word of consolation, or a symptom of pity, was looked upon as a conspiracy against the state."²⁸³ This latter statement reflects an understanding of the revolutionary atmosphere. Furthermore, though "Some writers have accused them of pusillanimity..... Far be it from me to circulate such a charge!"²⁸⁴ This reflects the limitations on the amount of sympathy that could have been offered by the two defenders towards the queen, for fear of revolutionary vengeance. Weber presents an image of courage on behalf of the two lawyers. And Chauveau-Lagarde would have to display such a quality once again.

3.3 Trials of the Girondins and Madame Roland

²⁸¹ Fitzsimmons, *The Parisian Order of Barristers and the French Revolution*, 107.

²⁸² Fraser, *Marie Antoinette*, 4.

²⁸³ Joseph Weber, *Memoirs of Maria Antonietta, Archduchess of Austria, Queen of France and Navarre*. Translated from the French by Mrs. Ievers. (London: Cox and Baylis, 1812), 355.

²⁸⁴ *Ibid.*, 356.

The Girondins²⁸⁵ were the next well known targets of the revolutionary government. They would be brought to trial simultaneously, and Chauveau-Lagarde would be one of their defenders. This being said, there would be six others acting with him as lawyers to these unfortunate, fairly moderate, revolutionaries who were now accused of treasonous acts. Unfortunately, despite the lawyers' presence, "Aucun d'eux n'a pu prononcer sa plaidorie, le jury s'étant déclaré "suffisamment informé" avant que leur tour de parole fut venu."²⁸⁶ In this case, therefore, Chauveau-Lagarde was denied the chance of even giving a final argument as he had with Miranda, Charlotte Corday and Marie Antoinette, no matter how minimal the effect may have been. However, the Girondins did not need anyone to speak up for them, as they acquitted themselves during their trial quite well. The radical journalist Hébert became quite indignant at this fact.²⁸⁷ Chauveau-Lagarde was assigned to defend some of the more notable Girondins, and these included Jean-Pierre Brissot (who as mentioned was born in Chartres, Chauveau-Lagarde's city of birth), Pierre Vergniaud, and, according to one of the latter's biographers, Armand Gensonné.²⁸⁸ Though he would not be able to give his final speech, Chauveau-Lagarde was nonetheless able to speak at one point early on in the trial, with a comment on his clients' rights during a trial. He insisted that

"La Loi accorde aux accusés la plus grande latitude dans leur défense; cependant les pièces à leur charge ne leur ont point encore été communiqués;... je les demande en leur nom, et je prie le tribunal d'examiner dans sa sagesse l'objet de ma réclamation."²⁸⁹

A reply was given in this regard by Fouquier-Tinville, saying that such documents "would be delivered when received, but in the meantime the trial would proceed."²⁹⁰ Claude G. Bowers, Vergniaud's biographer, points out the latter's impassioned speech and how Chauveau-Lagarde himself was impressed by it. Furthermore, Bowers writes that "he thinks it the most eloquent speech he has ever heard and congratulates himself on at last having a client it might be possible to save."²⁹¹ Such a belief on the lawyer's part regarding a possible acquittal might well

²⁸⁵ One definition of the Girondins is as follows: "A political faction, originally on the left of politics and associated with the Jacobin Club in late 1791." However, they would eventually make up "the 'right wing' of the Convention by late 1792". Andress, *The Terror*, 385. A rivalry between them and the more radical Jacobins inevitably emerged, with the latter triumphing over the former.

²⁸⁶ *Actes du Tribunal Révolutionnaire*, 168.

²⁸⁷ Hibbert, *The French Revolution*, 222.

²⁸⁸ Bowers, *Pierre Vergniaud, voice of the French Revolution*, 465.

²⁸⁹ *Actes du Tribunal Révolutionnaire*, 170.

²⁹⁰ Bowers, *Pierre Vergniaud, voice of the French Revolution*, 466.

²⁹¹ *Ibid.*, 478.

be possible. Yet whatever request was made for a fair trial, it ended in a guilty verdict and a death sentence for the Girondins. They were executed on October 31, 1793. The significance of Chauveau-Lagarde as a legal advocate for clients such as the Girondins signifies that his legal services were apparently available to anyone who might be accused at this point, whether they be a revolutionary or a royalist. And it seemed that the Revolutionary Tribunal was intent on maintaining the appearance of a fair trial in this respect, even for those whose fates seemed predetermined. The deaths of the Girondins preceded that of a very prominent supporter of their party, someone who would become Chauveau-Lagarde's next prominent client. She went by the name of Marie-Jeanne Roland. However, she is better known to posterity as Madame Roland.

This woman, who was married to the minister of the Interior during the earlier, less radical stages of the French Revolution, made a name for herself in her own day as the hostess of a famous salon. Yet she was a Girondin, and as a member of this particular group, she would come to be viewed as a suspect when the Revolution reached a radical high point. Her trial and death followed that of another famous female proponent of the Revolution, Olympe de Gouges, known for her *Declaration of the Rights of Women*. This being said, though Chauveau-Lagarde did not defend de Gouges, she and Madame Roland belonged to another group designated by the Revolution as being a threat to the new regime. This group was, essentially, that of women who seemingly stepped out of place. As Lynn Hunt puts it, they "transgressed the boundaries of nature."²⁹² Women who dared to defy the boundaries established by the revolutionary government, in other words the roles that the Revolution had in mind for them, had to be made an example of. In this regard, Simon Schama offers an interesting comment: "Marie-Antoinette was not the only woman... to be incriminated for conspiring against the Jacobin ideology of obedient wife-mother."²⁹³ Madame Roland, as both a member of the Girondins and as a woman, therefore characterized two aspects that countered the prevailing revolutionary values. Therefore, Chauveau-Lagarde was now defending accused counter-revolutionaries on an ever more inclusive basis.

Madame Roland has left behind her memoirs, which were written during her imprisonment, and which in this case make reference to the preparation for her trial. (She had been imprisoned in June of 1793, and her trial was not until November of that year.) And though she mentions Chauveau-Lagarde only briefly, it is nonetheless a revealing remark about her

²⁹² Hunt, *The Family Romance of the French Revolution*, 120.

²⁹³ Schama, *Citizens*, 800.

predicament. She writes, "On me dit de choisir un défenseur; j'indiquai Chauveau".²⁹⁴ Up to that point, the majority of Chauveau-Lagarde's more notable clients had been assigned him as a defender by those responsible for setting up the trials. In this case, he was selected by Madame Roland, the person on trial. Though it should be noted that he had offered her his services as an advocate before the Revolutionary Tribunal. As Pierre Cornut-Gentille, a recent biographer of Madame Roland, puts it, "Invitée à faire le choix d'un défenseur, elle désigna Chauveau-Lagarde qui lui avait courageusement proposé ses services".²⁹⁵ Chauveau-Lagarde therefore met with her prior to the trial, which was to take place in November of 1793, in order to counsel her on the best course of action. His actions apparently created something of an impression on someone who authored a famous account of Madame Roland's ordeal, the historian Barrière. He wrote,

"Un homme qui consacrait alors ses talents et son courage à la défense de tous les genres d'infortunes, l'éloquent avocat de Charlotte Corday, de la reine et des Girondins, M. Chauveau-Lagarde, ambitionna l'honneur dangereux de parler pour Madame Roland."

He went on to state that Chauveau-Lagarde met with her at the Conciergerie, and informed her of what lay in store for her at the trial, and they discussed strategy.²⁹⁶ There appears to be a slight error regarding one of the dates of their meetings, as Barrière has Chauveau-Lagarde still working on her defence on November 9, when she had already been executed. But that does not mean that this source should be refuted entirely. Furthermore, Cornut-Gentille makes the following statement about this preparation, and Chauveau-Lagarde's role in it:

"...elle préparait sa défense en rédigeant la plaidorie qu'elle tenterait de prononcer devant le tribunal. Instruite par l'exemple du procès de ses amis, elle ne se faisait probablement guère d'illusions sur ses chances d'être autorisée à parler longtemps... Sur la probable suggestion de Chauveau-Lagarde, elle ne néglige pas les arguments juridiques."²⁹⁷

Therefore, just prior to the trial, everything seemed set for the two of them to appear before the judges and wait for what was almost certainly a predetermined verdict. Yet this was

²⁹⁴ Madame Roland. *Mémoires de Madame Roland*. Édition présentée et annotée par Paul de Roux. (Mercure de France: 1966 et 1986), 568.

²⁹⁵ Pierre Cornut-Gentille, *Madame Roland: une femme en politique sous la Révolution*. (Paris: Perrin, 2004), 335.

²⁹⁶ *Actes du Tribunal Révolutionnaire*, 273.

²⁹⁷ Cornut-Gentille, *Madame Roland: une femme en politique sous la Révolution*, 337.

not the scenario that was to be. For as Paul de Roux, editor to a recent edition of Madame Roland's memoirs, puts it, "Mme Roland avait demandé à Chauveau-Lagarde de l'assister mais, au dernier moment, elle ne voulut pas qu'il se compromette pour une cause perdue d'avance. Elle fut donc défendue par un homme de loi obscur, désigné d'office."²⁹⁸ And according to Barrière, who described Chauveau-Lagarde's meetings with Madame Roland, she presented him with a gold ring right before her counsel vowed to see her on the day of her trial. However, she insisted that he not show himself when it was time for her to face the judges. For, as she herself put it, "je n'aie pas la douleur d'avoir causé la mort d'un homme de bien!"²⁹⁹ This is a revealing statement about her frame of mind. For it reflects an understanding by this woman that whoever appeared as her defender would be tainted by the association, despite the fact that a defence was something that she was entitled to (and it should be noted, as Paul de Roux pointed out above, that she did have a lawyer present, though he was assigned to her by the revolutionary authorities.) Yet her insistence that he not appear shows the prevalent understanding of the meshing of law and politics during this stage of the Terror.

Therefore, Chauveau-Lagarde did not appear at the trial of Madame Roland as her lawyer in the manner he had for Miranda, Charlotte Corday, Marie Antoinette and the Girondins. However, the influence of his advice towards Madame Roland nonetheless made its presence felt.³⁰⁰ His advice, therefore, though hampered by his absence, could be put to good use. In this case, it was through the speech Madame Roland gave at her trial. However, the verdict was nonetheless a guilty one. David Andress writes that her links with certain notorious individuals and her activities as a hostess were touched upon. However, he adds that "A few hints as to her 'unnatural' female concern with political activity were sufficient for the jury to convict without further ado."³⁰¹ She went to her death, crying out her famous lament on the way to the scaffold: "Liberty! What crimes are committed in thy name!" Though he had not been at her trial, Chauveau-Lagarde had certainly acted as some kind of counsellor during this most dangerous of times. And many of his notable clients were women, though Madame Roland was not to be the last.

²⁹⁸ *Mémoires de Madame Roland*, 37.

²⁹⁹ *Actes du Tribunal Révolutionnaire*, 274.

³⁰⁰ For Gérard Walter, editor of the collection of documents titled *Actes du Tribunal Révolutionnaire*, insists that her speech before the Revolutionary Tribunal had much to do with the counsel that Chauveau-Lagarde had given her. *Ibid.*, 274.

3.4 Other notable clients, including Madame Élisabeth

Among the numerous documents which relate to Chauveau-Lagarde's life and career that are found in the Archives Nationales is a particular list of individuals located among the papers of his son, François-Olivier-Léon Chauveau-Lagarde, "conservateur des hypothèques à Issoudun."³⁰² The list has importance due to being written in the hand of a close family member of the lawyer being analyzed, and can, in this case, be used to indicate several of the cases he undertook during the French Revolution, and even afterwards, as will be illustrated. The information on the list may have been jotted down rather quickly. It is titled "Note des causes les plus remarquables plaidées par mon père".³⁰³ Aside from naming the cases analyzed up to this point, it makes reference to individuals across a wide range of political loyalties, which is not surprising, given the Girondin sympathies of Charlotte Corday and Madame Roland, and the royalist background of Marie Antoinette. The rest of the names that can be found on this document shows that Chauveau-Lagarde was rather occupied with a number of other famous individuals who found themselves brought before the Revolutionary Tribunal.

Perhaps one of the more surprising clients to appear on the list was Madame du Barry. This notorious woman made her mark during the final years of the reign of King Louis XV as the latter's mistress, and became a rival of Marie Antoinette, as well as of Louis XVI. Following the death of her royal lover in 1774, she was in effect banished from the court. Yet this would not save her from being swallowed up by the French Revolution, which eventually caught up with her, largely due to her own actions in travelling back and forth between England and France. However, it was her reputation as a former royal mistress that sealed her fate. Yet despite such connections to France's royal past, it is unlikely that anyone who took up her defence at her trial would be regarded as a knight in shining armor by royalists given the disdain she was held in when her days of power came to an end. Certainly those figures who dominated the Restoration, namely the restored Bourbon kings, would not have that much use for her memory. However, Chauveau-Lagarde emerged as her defender when she was put on trial.

The date when this ordeal began was December 6, 1793, and Madame du Barry was not alone when put on trial. However, according to an account of this event by Philip M. Laski,

³⁰¹ Andress, *The Terror*, 230.

³⁰² "Notice biographique", *Fonds Chauveau-Lagarde, BORA Archives privées*. Accessed at: <http://daf.archivesdefrance.culture.gov.fr>

³⁰³ AN 476AP/28.

"Chauveau-Lagarde... now assumed her defence", while a second lawyer took charge of the others.³⁰⁴ The trial continued on December 7. And as Laski points out, "there is no trace anywhere of any defence for Madame du Barry", though court records name Chauveau-Lagarde as her defender.³⁰⁵ Whatever defence he mounted, assuming there was one, it was all in vain. Du Barry was sentenced to be executed, largely condemned for her past reputation as the frivolous mistress of Louis XV. And when her time came to mount the scaffold, she showed none of the courage and dignity displayed by Marie Antoinette or others who met the same fate when they faced the guillotine. Madame du Barry went to her death kicking and screaming to the end.

The remaining trials that would take up Chauveau-Lagarde's time during the Terror dealt, for the most part, with slightly less famous individuals than those discussed up to this point. But these trials nonetheless concerned clients who were, in some cases, considered to be quite notable in their own day. The list drawn up by Chauveau-Lagarde's son can help in tracking down the unfortunates in question, as most were sent to the scaffold. One example was a nobleman, the Duc du Chatelet, who was executed shortly after Madame du Barry. It should also be noted that as time went on, and as was demonstrated by du Barry's trial, there emerged the tendency on behalf of the Revolutionary Tribunal to try more than one individual at the same time. One example of this kind of process involved a group of women that Chauveau-Lagarde defended and who were tried together on April 26, 1794. They are known to posterity as the Virgins of Verdun. As David Hopkin puts it, what brought them to the Revolution's attention was a certain predicament they found themselves in, which unfolded as follows,

"Early in the revolutionary wars, the French frontier fortress of Verdun found itself besieged by an invading Prussian army. Not long after the city surrendered, a group of women carried a basket of sugared almonds to the King of Prussia's tent. Some would pay for their lives for this gesture during the Terror."³⁰⁶

For such a minor act, these women would eventually be brought before the Revolutionary Tribunal. Twelve of the fourteen accused were guillotined. They would be eulogized by the work of Victor Hugo, for whom they became "counter-revolutionary martyrs."³⁰⁷ Furthermore, as Jean-

³⁰⁴ Philip M. Laski, *The Trial and Execution of Madame du Barry* (London: Constable, 1969), 169.

³⁰⁵ *Ibid.*, 189.

³⁰⁶ David Hopkin, "Sieges, Seduction and Sacrifice in Revolutionary War: The 'Virgins of Verdun', 1792". In *European History Quarterly* (Volume 37 (4): October 2007), 528.

³⁰⁷ *Ibid.*, 530.

Clément Martin writes, "Il s'agit là d'un véritable procès politique destiné à marquer symboliquement la vengeance nationale sur des femmes."³⁰⁸ No matter whom Chauveau-Lagarde found himself defending, things did not have a tendency to end well for those on trial.

Given the radical nature of the Terror, Chauveau-Lagarde's own life was understandably not necessarily secure. Indeed, among the documents within the Archives Nationales that relate to his life is a letter written by an acquaintance of his family, who was evidently known as Mademoiselle Janvier de Flaminville.³⁰⁹ It has been titled, evidently by one of Chauveau-Lagarde's children, "Lettre de Mlle Janvier à l'occasion de la fausse annonce de la mort de mon père". This acquaintance evidently believed that Chauveau-Lagarde had been executed. Interestingly, the date of its composition is provided both according to the style of the new Revolutionary calendar and the regular style followed by the rest of Europe. On the one hand, it is indicated to have been written on "18 pluviôse, an 2". On the other hand, the date "8 mars 1794" appears as well. In any case, the contents of the letter reflect fear on behalf of a friend of the family. It starts off with the exclamation "Je pleure de joye après avoir pleuré de douleur hier toute la soirée". Furthermore, the author writes of having suffered "la plus violente inquiétude". She insists that she will see him soon, when the time is right. This letter therefore appears to be from someone who believed Chauveau-Lagarde had died, but was then made aware of her false belief.³¹⁰ Yet such a letter reflects the uncertainty of the prevailing political atmosphere. And Chauveau-Lagarde would have one more famous client to defend before his time as a lawyer during this period of the French Revolution came to an end.

Chauveau-Lagarde's last notable client during the Terror, (which was not to theoretically end until the fall of Robespierre)³¹¹ and one whose fate upon the scaffold was more predetermined than most, was Louis XVI's sister, known to history as Madame Élisabeth. This deeply religious woman had remained devoted to sharing her brother's misfortunes when he and his family were imprisoned. It was an attitude which had characterized much of her life. She would eventually be put on trial, and in the end, it was really due to simply being the sister of the

³⁰⁸ Jean-Clément Martin, *La Révolte Brisée: Femmes dans la Révolution française et l'Empire* (Paris: Armand Colin, 2008), 146.

³⁰⁹ It should be noted that aside from this, there is at least one other example of a letter that this woman wrote to Chauveau-Lagarde before the outbreak of the Revolution.

³¹⁰ AN 476AP/32.

³¹¹ As pointed out in the historiographical component, Georges Lefebvre insisted in his classic work on the Thermidorians that this Terror simply gave way to another in which counter-revolutionaries attacked revolutionaries.

deposed king. Though it should be noted that she had deeply opposed the Revolution. Her trial took place in May of 1794, along with a group of twenty-four others who were accused. As one modern day writer has put it, "Élisabeth was under no illusion about what lay ahead; this would be a trial with no defense and no appeal."³¹² This, however, was not strictly true. She had a lawyer, Chauveau-Lagarde. And he has written of the ordeal he now found himself in. Though a note on the predicament of Madame Élisabeth is warranted.

Following the execution of Marie Antoinette, Madame Élisabeth had been left in the Temple Prison with her niece, Marie-Thérèse, the young Louis XVII having been placed in another lodging of their confinement. Eventually, the two were separated when it was time for Élisabeth to face the Revolutionary Tribunal. She was interrogated, and was asked if she had a defender for her trial. She apparently replied that she knew none. And therefore, one was assigned to her in the person of Chauveau-Lagarde and she was then returned to the Conciergerie.³¹³ According to his memoirs on the ordeal, Chauveau-Lagarde was only informed that he was to defend Madame Elisabeth the day before her trial. In this regard, he writes that "je fus instruit, de la part de madame Élisabeth de France, que j'étais nommé pour la défendre".³¹⁴ He does not say where he was when he received this summons. However, he insists that there were attempts to prevent him from seeing his client by Fouquier-Tinville. When it was time for her trial, she was among numerous others who were accused of counter-revolutionary activities as well.³¹⁵ The fact that she, the king's sister, was grouped with others to be put on trial was a significant difference from the legal ordeals of other notable counter-revolutionaries already mentioned. By this point, the Terror had reached such a radical height that Élisabeth's trial was not so much a focal point for revolutionary anger, seeing as how she was tried with others. She was simply one among many who had to be dealt with. There were six lawyers in all, Chauveau-Lagarde being Élisabeth's.

Chauveau-Lagarde goes on to detail the various crimes that Élisabeth was accused of at her trial. He adds, though, that "le procès de madame Élisabeth offre avec celui de la Reine une différence également digne d'attention." This related to the length of the trial, which was much shorter than the queen's, and the fact that almost no witnesses appeared at Élisabeth's trial as

³¹² Cadbury, *The Lost King of France*, 137.

³¹³ Jean de Viguerie, *Le sacrifice du soir: vie et mort de madame Élisabeth soeur de Louis XVI*. (Paris: Éditions du Cerf, 2010), 145-146.

³¹⁴ Chauveau-Lagarde, *Note historique*, 50-51.

³¹⁵ *Ibid.*, 51.

opposed to that of Marie Antoinette.³¹⁶ Élisabeth answered herself the accusations that were made against her. As in the case of describing Marie Antoinette, Chauveau-Lagarde emphasizes Élisabeth's admirable qualities. He then refutes a charge made, according to him, by *Le Moniteur* that there was no defence, as he was there, and goes on to relate what his speech consisted of. One of his main points related to Élisabeth's upstanding moral character. This was something that would arouse the opprobrium of the presiding judges, especially, according to Chauveau-Lagarde, Dumas.³¹⁷ It therefore reflects how a certain choice of words, despite the undoubted predetermined verdict of the trial, could nonetheless be frowned upon. For as Jean de Viguerie puts it in his biography of Élisabeth, "Parler de la "vertu" d'un ennemi de la Révolution est un crime odieux, et immédiatement punissable."³¹⁸ When all was said and done, the inevitable guilty verdict was passed. Madame Élisabeth was executed, along with a number of other prisoners who had been condemned to death, on May 10, 1794. She was the last of Chauveau-Lagarde's illustrious clients during the Terror. And there is significance in the reaction that was inspired by her death. For when Louis XVI and Marie Antoinette were executed, the crowds that had witnessed the acts shrieked with approval. That, however, was not the case when Élisabeth was executed. There was nothing but silence from those watching, who eventually quietly dispersed.³¹⁹ This behaviour reflected the manner in which the Revolution was coming to be perceived.

The Revolution was beginning to alienate those who had once welcomed it with open arms. By the time that Madame Élisabeth had been executed, the Revolution had already swallowed many of its own children. These included, most notably, the Hébertistes and the Dantonistes. In regards to the latter, Danton had, over the course of time, become estranged from the radical policies of Robespierre, which marked the beginning of his downfall. Following this, the Terror continued its bloody downward spiral. Furthermore, the leaders of the Revolution would institute a significant and controversial piece of legislation which would have a direct impact on those who still took up the challenge of defending people brought before the Revolutionary Tribunal. For on June 10, 1794, the *Law of 22 prairial* was passed. Prior to this, there had been the passing of the notorious Law of Suspects. And the intention, as well as the effect, of the *Law of 22 prairial* was to facilitate the dispensal of revolutionary justice, and by extent, increase the purging of France of supposed enemies. One of the aspects of this law which

³¹⁶ Ibid., 53-54.

³¹⁷ Ibid., 56-57.

³¹⁸ Viguerie, *Le sacrifice du soir: vie et mort de madame Élisabeth soeur de Louis XVI*, 149-150.

³¹⁹ Cadbury, *The Lost King of France*, 138-139.

was meant to help in this task was the forbiddance of the employment of lawyers before the Revolutionary Tribunal if one were accused and brought before it. Here are some of the law's other specific points:

"7 The penalty for all crimes coming within the jurisdiction of the Revolutionary Tribunal is death."

"20 The National Convention repeals all the provisions of previous laws which conflict with the present decree and does not intend that the laws relating to the organization of ordinary tribunals should apply to crimes of Counter-Revolution and to the activity of the Revolutionary Tribunal."³²⁰

These two points provide a bleak picture of the Revolutionary Tribunal's manner of procedure from that point on. Moreover, thanks to this law, Chauveau-Lagarde's position as a *défenseur officieux* for those accused of counter-revolutionary crimes came to an end. How this affected his position is notable, given the fact that such laws as this were more memorable for the increase of deaths they caused. But in Chauveau-Lagarde's case, they had the other effect of ending his legal career during the Terror. He therefore decided, at this point, to leave Paris and return to his hometown of Chartres. However, as time would tell, his homecoming would be interrupted by a most unwelcome piece of news: orders for his arrest.

The man who was behind this particular warrant for Chauveau-Lagarde's arrest was, according to his memoir,³²¹ Claude-François de Payan.³²² In a letter to Fouquier-Tinville, he wrote of his hopes for Marie Antoinette's defender, and that "le défenseur de l'infâme Antoinette subira le même sort que cette femme exécration." This arrest was on the pretext of something that Chauveau-Lagarde had written prior to this time. However, as Émile Bos puts it, "il ne s'agissait pas de punir l'auteur d'un imprimé, qui n'était autre que le placard en réponse à l'article de Marat sur l'acquittement de Miranda, affiché plus d'une année auparavant, mais bien le défenseur de la Reine et de Mme Elisabeth." A letter was sent to the mayor of Chartres to inform him of Chauveau-Lagarde's situation. It read "Nous vous invitons à le mettre en état d'arrestation et à le

³²⁰ John Hardman, ed., *The French Revolution Sourcebook* (New York: Arnold, 1999), 229-230.

³²¹ Chauveau-Lagarde, *Note Historique*, 63.

³²² He had been appointed as a "National Agent of Paris in March 1794, controlling the city for the Robespierrists." Andress, *The Terror*, 398.

faire conduire devant nous.”³²³ Chauveau-Lagarde was soon dispatched back to Paris to await his fate as the Terror entered its final phase.

While imprisoned at this time, it is not hard to imagine that Chauveau-Lagarde probably expected to be executed among the hundreds of others at this time. One need only look at the statistics which indicate the increasing number of executions to gain some idea of the violence permeating Paris. This being said, there was one lawyer in particular, who, like Chauveau-Lagarde, had played a part in a royal defence in the face of revolutionary accusations and who by this time had already paid with his life. This was Malesherbes. In April of 1793, the elderly man of 73 years of age was sent to the guillotine, along with several members of his family.³²⁴ Schama points to the fact that the danger that came through association with the royal family in their time of need was not something of concern to Malesherbes, an attitude which may have been due to his old age. He had even offered his legal services to Marie Antoinette. And “the fact that it was made at all suggests how unconcerned he was for his own safety.”³²⁵ And whether or not such an association with the royal family played a direct role in Malesherbes’ fate, it did not mean that other legal defenders of notable counter-revolutionaries were not in danger. And Chauveau-Lagarde could very well have gone the same way as Malesherbes. Events would determine whether or not this would be the case.

Perhaps it was fortunate that Chauveau-Lagarde was arrested when he was. Because it ultimately meant less time in prison than had he been arrested earlier by the revolutionary authorities. It was most likely due to the increasing number of those imprisoned and the short amount of time left for the Terror that combined to help save his life. Indeed, Chauveau-Lagarde himself writes in his memoir that he was simply forgotten about among the multitude of prisoners.³²⁶ Yet it was naturally by no means certain that this is how things would have turned out. Though with hindsight, it is possible to discern, as numerous historians have done, a significant resistance to the excesses of the radicals, who had come to be epitomized by Robespierre. This resistance would culminate in his eventual overthrow on that day known to history as Thermidor. Robespierre and those closest to him and his regime were arrested in July of 1794, and the Incorruptible was executed on the twenty-seventh day of that month. His death marked the end, if not of the French Revolution, than of the period that has stained its reputation

³²³ Bos, *Les avocats au conseil du roi: Étude sur l'ancien régime judiciaire*, 561-562.

³²⁴ Price, *The Road from Versailles*, 344-345.

³²⁵ Schama, *Citizens*, 822-823.

³²⁶ Chauveau-Lagarde, *Note Historique*, 64.

for the past two centuries. Chauveau-Lagarde was released soon after. His life had been spared. And as of this point, his life would be dictated not so much by the effects of revolutionary terror, but by a perseverance in his chosen profession. And his later career would benefit from his actions during the Revolution.

3.5 An overall view of law and justice during the Terror

The death of Robespierre created a political vacuum in France, and it was hoped that this would be filled with an alternative to what had transpired before.³²⁷ The passage of the *Law of 22 prairial* during the later stages of the Terror had sent a very clear message to anyone who still harboured doubts about the intentions of those in power at the head of the revolutionary government. People's legal rights were to be sacrificed for the good of the Republic. A pure society cleansed of its monarchic past was the aim of the Revolution from that point on. The Jacobin ideology, which came to energize the quest for a virtuous society, took hold and ruled in its purest form. It was ultimately personified by Robespierre. The Jacobins became committed to seeing their agenda through no matter what.³²⁸ One of the ways Robespierre attempted to incarnate French was virtue through the Festival of the Supreme Being, though this is what ironically led to his downfall. His role in this enterprise seemed to confirm suspected aspirations of "personal dictatorship".³²⁹ However, up to the point that the *Law of 22 prairial* was passed, the supposed legal rights of those brought before the Revolutionary Tribunal could be considered muddy at best. Though it must be said that when one looks at the fate of Chauveau-Lagarde's most infamous clients during the Terror, it might seem that anyone accused of counter-revolutionary activities could only anticipate the worst. Yet it was specifically because Chauveau-Lagarde's clients, whose ordeals have been analyzed in this piece of research, were so well-known that their fates could be viewed as pre-determined. They were focal points of revolutionary vengeance. In regards to this, Sophie Wahnich writes

³²⁷ As Howard G. Brown writes, "These months saw the Convention struggle to exit the Terror before it could even imagine an end to the French Revolution. In the process, deputies came to realize that the future of the republic depended on replacing the moral quagmire of revolutionary expediency with the rule of law." See: Howard G. Brown, *Ending the French Revolution: Violence, Justice, and Repression from the Terror to Napoleon* (Charlottesville: University of Virginia Press, 2006), 21.

³²⁸ Patrice Higonnet, whose work provides a fairly positive view of the ideology, states that "Time and time again, Jacobin politics excluded those revolutionaries (Monarchiens in 1789, Feuillants in 1791, Girondins in 1793, Indulgents in 1794) who feared to go further." See: Patrice Higonnet, *Goodness beyond Virtue: Jacobins During the French Revolution*. (Harvard University Press, 1998), 2.

³²⁹ Doyle, *Oxford History of the French Revolution*, 276-277.

“Demander qu’on mette la terreur à l’ordre du jour, c’est demander qu’on mette en place une politique visant littéralement à reconduire constamment le cerne du sacré, à réaffirmer en permanence la valeur normative de la Déclaration des droits, à demander vengeance et punition pour les ennemis de la patrie.”³³⁰

Chauveau-Lagarde’s position as a lawyer to such celebrated individuals, the consequences of occupying such a position, and the rhetoric he employed when defending them is a lens through which to examine the meshing of law and politics at this time. And while the intermingling of these two spheres could be seen through the fates of this lawyer’s clients, his own experiences, such as when he himself was viewed with suspicion, offers a clearer perspective of the legal and political contexts.

Chauveau-Lagarde’s defence of General Miranda signified, if anything, the possibility of an acquittal before revolutionary paranoia set in. Such a fortunate escape reflected the earlier, more moderate revolutionary days, when the best of intentions were still in mind.³³¹ But as proponents of the revisionist school of historical thought on the French Revolution have tended to emphasize,³³² such intentions went awry. The onset of the Terror following the execution of Louis XVI and Marat’s murder at the hands of Charlotte Corday did much to facilitate this path to Hell. The trampling of individual rights was an inevitable consequence. But when it came to the defence of Marie Antoinette, Chauveau-Lagarde was not defending simply an individual. He was defending a symbol, a symbol of everything that came to be despised about the monarchy that had been overthrown. When the Republic had been officially proclaimed, the former queen theoretically became a regular citizen of France. It might have been considered a re-birth. Citizens were supposed to all be equal before the law. But the past could not, and would not, be forgotten. And neither could it be in the case of Louis XVI. This being said, the differences between Marie Antoinette’s trial and that of her husband merit consideration in this regard.

Louis XVI was given time to work on his defence, whereas this was hardly the case for

³³⁰ Sophie Wahnich, “La terreur comme fondation, de l’économie emotive de la terreur”, *Les cahiers psychologie politique* [En ligne], numéro 3, Avril 2003. Accessed at: <http://odel.irevues.inist.fr/cahierspsychologiepolitique/index.php?id=1605>

³³¹ In the words of Howard G. Brown, “The Declaration of the Rights of Man and Citizen promised Frenchmen equality before the law as well as protection from arbitrary arrest and unnecessary detention.” What is more, “The early revolutionaries sought to balance individual rights with defense of the polity.” See: Brown, *Ending the French Revolution*, 66-67.

³³² These views, as mentioned, were propagated by historians such as William Doyle and François Furet.

Marie Antoinette. Though politics undoubtedly factored in both their trials. Indeed, Munro Price writes that "The legal grounds for arraigning Louis were dubious in the extreme, and certainly unsupported by the constitution of 1791, but this was a quintessentially political trial."³³³ In the case of the king, not only would his judgement be unique in French history, and therefore in need of much consideration regarding procedure, but "every issue in the trial" was "hopelessly enmeshed in the factional struggles of Jacobins and Girondins", as David P. Jordan puts it.³³⁴ Both the king and queen at one point or another were considered as potential pawns for diplomacy with outside powers, but this ultimately came to nothing. Louis' trial was, overall, much less straightforward than his wife's. For his, there was actual voting regarding his potential fate, with more than one alternative as to what would happen to him. Such was not the case for Marie Antoinette. Yet both had lawyers who spoke passionately in their defence. In the case of the king, this was done mostly by Raymond DeSèze. His speech consisted of "the question of Louis's constitutional inviolability, and the question of the nature of the trial itself."³³⁵ The queen's lawyers spoke with a rather different rhetoric, as is illustrated above on the section of her trial. They basically pointed to the lack of evidence. Therefore, the trials of both were, in some notable respects, marked by a fair amount of difference between the two, which related to both their positions and when their judgements took place.

This being said, the difference in rhetoric employed by Chauveau-Lagarde regarding the defence of the queen on the one hand and those of his other notable clients should be stressed. In the case of Charlotte Corday, political fanaticism was employed as justification for her crime. And this may have been to help preserve Corday's reputation if not her life. In the case of Madame Elisabeth, emphasis was placed on her personal virtue. Therefore, the words employed by Chauveau-Lagarde during such trials were kept within the boundaries of prudence during a very unstable political regime to avoid being suspected of disloyalty to the Revolution. These were, after all, political trials.³³⁶ And while the manner in which they unfolded offers a picture of justice during the Terror, a broader understanding of the extent to which legal rights were infringed on as a whole at this time is nonetheless merited. The laws that were put into place

³³³ Price, *The Road from Versailles*, 318. Although it should perhaps be noted that the constitution of 1791 had been suspended by the time the trial came around.

³³⁴ Jordan, *The King's Trial*, 101.

³³⁵ Ibid., 130.

³³⁶ Something to remember which was pointed out before is that as a *défenseur officieux*, Chauveau-Lagarde took on other cases during the French Revolution aside from those analyzed in detail throughout this piece of research, which were not held before the Revolutionary Tribunal. Jules Michelet, *Histoire de la Révolution Française II* (Éditions Gallimard, 1952), 1306. Chauveau-Lagarde did not, therefore, only handle political trials.

during the Revolution which were meant to guarantee the rights of citizens, though apparently suspended during the Terror, nonetheless left behind a legacy to the modern legal world which, in the eyes of some historians, has all too often been overlooked. As Robert Badinter puts it, "La justice de la Révolution, comme le droit de la Révolution, est communément dénommée "intermédiaire", comme si elle n'avait été qu'une expérience". Yet this "approche réductrice d'un moment essentiel de notre histoire judiciaire est malvenue." For "L'oeuvre judiciaire de la Révolution a été considérable, et son legs important."³³⁷ Furthermore, Robert Allen writes that "le spectre de l'échafaud ne doit pas occulter les réalisations constructives de la Révolution française dont, paradoxalement, les réformes judiciaires ne furent pas les moindres."³³⁸ And with this being said, the Jacobin ideology, which is commonly held to have led directly to the Terror itself through its radical beliefs, has its defenders.³³⁹ Such developments in the legal world therefore helped create a new context in which Chauveau-Lagarde would have to exist. And though this meant changes to the legal way of life previously enjoyed by Chauveau-Lagarde's former colleagues, the *avocats au parlement*, this did not prevent him from practicing in the new regime as a *défenseur officieux*. With this being said, there initially seemed to be benefits to be had from the manner in which the law was being reformed for those who may have been oppressed by it in the past.

Legal rights during the French Revolution were not originally intended to be sacrificed for the supposed greater good. Law and justice actually made up one of the domains of French society at the center of people's concerns on the eve of the convergence of the Estates General. As Badinter writes, "Les cahiers de doléances en témoignent. Après l'égalité devant l'impôt, la transformation de la justice est la revendication la plus généralement formulée."³⁴⁰ This being said, the good intentions of the Revolution's early days could be seen in many aspects of the reforms added to the legal sphere. This was due, as Emmanuel Berger writes, to the emergence of

³³⁷ Robert Badinter, "Introduction: Naissance d'une justice" in *Une Autre Justice: Contributions à l'histoire de la justice sous la Révolution Française*. Sous la direction de Robert Badinter. (Fayard: 1989), 24.

³³⁸ Robert Allen, *Les tribunaux criminels sous la Révolution et l'Empire, 1792-1811*. (Rennes: Presses Universitaires de Rennes, 2005), 9.

³³⁹ Patrice Higonnet's *Goodness beyond Virtue* "rejects the idea that the essence of Jacobin politics culminated in the immoral and useless Terror of 1793-1794." See: Higonnet, *Goodness beyond Virtue*, 1.

³⁴⁰ Badinter, "Introduction: Naissance d'une justice", 13.

“plusieurs principes tels que l’indépendance de la justice, l’élection des juges, l’institution de jurys, la division du ministère public, la délégation du pouvoir de poursuite aux seuls juges élus, la procédure pénale accusatoire ou encore la légalité et la fixité des peines.”³⁴¹

And in revolutionary eyes, these aspects were meant to deliver France from a despotic government. How this was achieved, or was meant to be achieved, over the course of time can be seen in the examination of how these aspects of the legal apparatus were to function, and above all, how they would benefit the general population. For instance, juries were introduced. And “The revolutionaries took exceptional pride in having added juries to their system of criminal justice. Juries were to become the “palladium of liberty” in the new democracy.” However, they were “largely devoid of legal guidance.” They therefore “assumed a large measure of the discretionary powers formerly possessed by judges.”³⁴² This being said, Bernard Schnapper writes in an article regarding juries put into place during the Revolution, that “Pour les constituants, le jury était la liberté, le jury manifestait la souveraineté de la nation, le jury exprimait enfin la raison en marche, le libre examen des citoyens.”³⁴³ It should be remembered that Chauveau-Lagarde had praised the presence of a jury at General Miranda’s trial.

Juries aside, the manner in which law and justice were reshaped with the onset of the Revolution coincided with the good intentions of 1789.³⁴⁴ And the political system these reforms were intended to complement was the constitutional monarchy that so many wanted to see replace the absolute monarchy of the past millenium. And Chauveau-Lagarde was among them, as was seen in what he expressed in his pamphlet concerning the composition of the Estates General. The way that justice was meant to be dispensed was to be done with people’s rights in mind, as spelled out in the Declaration of the Rights of Man and Citizen. Yet the manner in which the royal family would react to such a change in their monarchical power would ultimately send the rights of the people which the revolutionaries had been so intent on maintaining into a temporary

³⁴¹ Emmanuel Berger, *La justice pénale sous la Révolution: Les enjeux d’un modèle judiciaire libéral* (Rennes: Presses Universitaires de Rennes, 2008), 13.

³⁴² Brown, *Ending the French Revolution: Violence, Justice, and Repression from the Terror to Napoleon*, 93.

³⁴³ Bernard Schnapper, “Le jury criminel”, in *Une Autre Justice: Contributions à l’histoire de la justice sous la Révolution Française*. Sous la direction de Robert Badinter. (Fayard: 1989), 151.

³⁴⁴ For as Berger puts it, “Au cours des années 1790-1791, les Constituants accomplissent une véritable révolution judiciaire. En l’espace de quelques mois, ils parviennent à renverser les principes fondant jusqu’alors la justice d’Ancien Régime. L’ordre du roi fait désormais place à l’ordre de la loi en tant qu’émulation de la souveraineté populaire.” See : Berger, *La justice pénale sous la Révolution: Les enjeux d’un modèle judiciaire libéral*, 229.

state of purgatory. The refusal of the monarchy to cooperate with the Revolution, and instead work against it, would result in the new regime having to take drastic steps to protect French liberty. Such steps would include not only war with practically all of Europe, but war on the supposed threat from within French borders. Indeed, Schnapper writes that "Dès la formation de la première coalition (février 1793) et surtout le soulèvement vendéen, l'équilibre instauré par la Constituante fut rompu par la Convention." Juries would be composed to suit the needs of the Revolution.³⁴⁵ Hence, in examining how one of the most important aspects of the judicial reforms, in this case the juries, were originally intended to function, and then seeing how they were to be employed during the Terror, the meshing of law and politics becomes more apparent in general. During that horrific episode known as the September Massacres, instantaneous tribunals were actually established prior to the despatching of those who were hauled before them.³⁴⁶ Yet time would eventually see the establishment of what became known as the Revolutionary Tribunal, the body most associated with the dispensing of justice during the French Revolution.³⁴⁷

The Revolutionary Tribunal was established by a degree of March 10, 1793. According to Article 7 of this degree,

"Il sera établi à Paris un tribunal criminel extraordinaire qui connaîtra de toute entreprise contre-révolutionnaire, de tous attentats contre la liberté, l'égalité, l'unité, l'indivisibilité de la République, la sûreté intérieure et extérieure de l'État, et de tous les complots tendant à rétablir la royauté, ou à établir tout autre autorité attentatoire à la liberté".³⁴⁸

It would sit in judgement from April 6, 1793 right up until Thermidor.³⁴⁹ Fouquier-Tinville would be in charge. Furthermore, as David Andress writes, "The Tribunal would become a death-machine, its name enough to evoke fear in every corner of the country."³⁵⁰ This being said, a series of laws would be passed to aid the Tribunal in its quest to purify France. One of the

³⁴⁵ Schnapper, "Le jury criminel", 158.

³⁴⁶ Andress, *The Terror*, 105.

³⁴⁷ Sophie Wahnich's view of the Tribunal, in her study which attempts to place the Terror in a less negative light, is that it "came into being in order to avoid a repetition of the September massacres". What is more, "It proposed a version of violent insurrection that was channelled into a juridical apparatus". See: Wahnich, *In Defence of Terror*, Chapter 3.

³⁴⁸ Jean-Marc Varaut, *La Terreur Judiciaire: La Révolution contre les droits de l'homme*. (Paris: Perrin, 1993), 144-145.

³⁴⁹ *Ibid.*, 146.

³⁵⁰ Andress, *The Terror*, 162.

earlier ones passed by the Convention was known as the Law of Suspects. This piece of revolutionary legislation was meant to, in some cases, imprison anyone suspected of disloyalty to the new regime and emphasized the necessity of having to acquire the *certificat de civisme*, which was “now essential for public business and travel.”³⁵¹ These documents had even become necessary for lawyers to practice law during the French Revolution. Prior to the passage of the Law of Suspects, as R.R. Palmer writes, “there had never been any legal definition of “suspects,” nor any organized or supervised manner of dealing with them.” Furthermore, the law “was novel chiefly in systematizing and legalizing a situation which already existed in fact.”³⁵² Another law that was passed was the *Law of 14 frimaire*, which increased the role that was to be played by representatives-on-mission.³⁵³ The apparatus of the Terror was therefore marked by forays into the legal sphere. Yet these were not meant to guarantee people’s rights. Rather, they meant to infringe on them.

If one looks at the statistics which are available regarding the manner in which justice was dispensed by the Revolutionary Tribunal in Paris, death was not always the fate that awaited those on trial. The reason is that many of those who were accused were not as high profile as those defended by Chauveau-Lagarde. It was only in late 1793 when a sentence to the guillotine became a more common occurrence. Interestingly, it was around the time that the new Revolutionary calendar came into use. Yet with an increase in such sentences, there was also an increase in the number of trials that took place. Other potential sentences aside from death included acquittal, deportation, imprisonment, or, in some rarer cases, reference to another tribunal. Of these, death or acquittal were the most common. Yet with time, acquittals became less frequent. Overall, from April 1793 right up to Thermidor, there were 4021 trials presided over by the Revolutionary Tribunal in Paris. Of these, 2585 were sentenced to death, while 1306 were acquitted.³⁵⁴ As the months of the Terror went by and the deaths increased, and eventually the *Law of 22 prairial* was passed, it was evident that less and less respect was being paid to people’s legal rights when it came to cleansing the Republic of supposed traitors.

Regarding what lawyers would have to say when trials were held, their input was not always appreciated. Professor Jean-Louis Gazzaniga has this to say on their situation:

³⁵¹ Ibid., 211-212.

³⁵² Palmer, *Twelve who Ruled*, 66-67.

³⁵³ Andress, *The Terror*, 258-259.

³⁵⁴ *Actes du Tribunal Révolutionnaire*, XXVIII-XXXI.

“Avec l’installation du Tribunal révolutionnaire, le rôle de l’avocat est à nouveau modifié; il est en réalité fortement réduit. On exige des plaidoiries brèves, lorsque l’on accorde encore à l’accusé le bénéfice de la défense. Les procès sont expéditifs. Les avocats n’ont souvent que quelques heures pour se préparer. Beaucoup renoncent, car la tâche est difficile, et le péril plus grand encore. Défenseurs à l’audience, ils risquent toujours d’être arrêtés à la fin des débats.”³⁵⁵

Michael Burrage, in his work on how times of revolution affected lawyers in England, France and America, offers the following view on French advocates following the upheaval of 1789. The Revolution

“influenced, first of all, the way they defined their role, in particular prompting them to attach primary importance to the defense of political offenders. It encouraged them, on behalf of such defendants, to hone the skills of *la plaidoirie* as if it was to be heard not merely in the courtroom, but beyond, as if the entire French people were members of the jury.”

Furthermore, “It made special demands on their personal courage, and often required them to put their own livelihoods and freedom at risk”.³⁵⁶ This being said, Guillaume Mazeau authored an article which places emphasis on the fact that when lawyers spoke during the Revolution, it was as if it were for the entire French nation. He writes “Plus qu’auparavant, la plaidoirie des avocats est désormais écrite et déclamée en direction du juge, mais surtout des jurés, du public du tribunal et de l’opinion tout entière.”³⁵⁷ Burrage’s description can, to an extent, be seen in some of the experiences of Chauveau-Lagarde. The defences he was able to mount consisted of speeches delivered after the accused had been questioned. And these defences had to be worded carefully in some instances, as the political atmosphere affected the legal sphere to such an extent that Chauveau-Lagarde’s position in defending certain individuals became one which invited an unfavorable opinion from the revolutionaries.

³⁵⁵ Jean-Louis Gazzaniga, “Les avocats pendant la période révolutionnaire”, in *Une Autre Justice: Contributions à l’histoire de la justice sous la Révolution Française*. Sous la direction de Robert Badinter. (Fayard: 1989), 379.

³⁵⁶ Burrage, *Revolution and the making of the contemporary legal profession: England, France, and the United States*, 202.

³⁵⁷ Guillaume Mazeau, “Le procès révolutionnaire: naissance d’une justice médiatique (Paris, 1789-1799)”, (*Le Temps des médias*, 2010/2 no 15, p. 111-125), 114.

The last days of the Terror saw significantly more deaths than acquittals, as well as the forbiddance of having lawyers. As Simon Schama writes, "The law of Prairial had an immediate effect on the tempo of executions, which in weeks before had already been accelerated. With the closure of provincial revolutionary tribunals,... suspects from the departments were now brought to Paris for trial." Indeed, in the last nine days of the month known as Thermidor, there were 342 executions carried out, and only 84 acquittals.³⁵⁸ This being said, something interesting to point out is the number of those belonging to the legal sphere who were executed during the whole of the Terror. Overall, there were 433 lawyers and judges who were put to death. Proportionally speaking, those who were known as the "hommes de loi" were "sur-représentés parmi les victimes de la terreur judiciaire."³⁵⁹ The fact that Chauveau-Lagarde was able to escape a similar fate, one which was not improbable, owes, as was mentioned, to when he was imprisoned. The Terror came to an abrupt end when Robespierre was ousted from power and executed when his former colleagues began to fear for their lives. As Varaut writes, "Les thermidoriens avaient tué pour n'être point tués eux-mêmes, non pour changer le système."³⁶⁰ Furthermore, Fouquier-Tinville and those who had served alongside him during the Terror would soon be put on trial. And when this came about, "*C'était le procès du Tribunal lui-même.*"³⁶¹ The Tribunal's days of power came to an end. And as time would tell, the restrictions which had been put on Chauveau-Lagarde's career would not last much longer as he would soon resume his practice.

The infiltration of the politics of the Terror into the judicial sphere is one of the greatest consequences of the road to Hell, in this case the road to Terror, being paved with good intentions, in this case what the earlier more moderate revolutionaries had planned for France in 1789. It had been the intention of those who had drafted the Declaration of the Rights of Man and Citizen to protect French citizens from despotic rule. The legal reforms put into place had been a part of this attempt at constitutional rule. Chauveau-Lagarde had, at first, been sympathetic. Yet the path the Revolution was destined to take was determined by, first of all, the manner in which the royal family reacted to events, and then by how the French population reacted to the decisions of Louis XVI and Marie Antoinette. It had appeared to them that the royal couple spurned the changes that were being imposed on them, which they did. The people decided the monarchy had to go, which it did at first through abolishment and then decapitation. When the king had been executed, France found itself at first reviled by the whole of Europe, and then at war with

³⁵⁸ Schama, *Citizens*, 837.

³⁵⁹ Varaut, *La Terreur Judiciaire*, 189-190.

³⁶⁰ *Ibid.*, 194.

³⁶¹ *Ibid.*, 208.

practically the whole continent. This threat to the revolution from the outside was complemented by supposed internal threats. Such menaces to internal safety were epitomized by Charlotte Corday's assassination of Marat. The way to deal with this was through the Terror. Aside from resulting in infamous revolutionary episodes such as the Vendée rebellion and the horrific retribution that followed, the Terror infiltrated numerous spheres of life, including the judicial and legal spheres. These spheres had once been symbolized by the presence of the *parlements*, protection against royal authority exceeding its bounds. Now, that authority was revolutionary, and if necessary, it would ignore the written constitution of the Declaration of the Rights of Man and Citizen. And the trampling of legal rights, as time would show, was not limited to those accused of counter-revolutionary activities, but as Chauveau-Lagarde's experiences demonstrated, applied to those who were tainted by association with such people. In some cases, as in his, it sometimes had to do with a tremendous amount of luck that one could escape execution. Jean-Louis Gazzaniga has this to say on those who were in a position such as his during the French Revolution: "Ces avocats peu connus ont en réalité, malgré la suppression officielle de l'ordre et malgré les perils, maintenu la tradition du barreau."³⁶² Surviving the ordeal which had overthrown their previous way of life could have benefits, as time would tell in the case of Claude François Chauveau-Lagarde. There was definitely a light at the end of a very dark tunnel.

³⁶² Gazzaniga, "Les avocats pendant la période révolutionnaire", 380.

CONCLUSION

Chauveau-Lagarde's life and career following the Terror would span a variety of political regimes in France. And these would not be without their tribulations. However, during this time there occurred an event which related to his personal life. On November 19, 1794, Chauveau-Lagarde married.³⁶³ His wife's name was Mélanie Thérèse Meslier, and she was born on February 17, 1762 in Chauveau-Lagarde's hometown of Chartres. Yet the months following the Terror were not ones of bliss for those who had supported the Revolution at its worst as the Thermidorian Reaction made its presence felt. For the death of Robespierre gave way to the White Terror, which spread across France and "whatever its form, was a vigilante justice, every bit as ghastly as that of 1792-1793."³⁶⁴ During this time, those proponents of revolutionary excesses were hunted down. Though not in danger from this movement, given what he had been imprisoned for before, Chauveau-Lagarde was not immune from danger. For instance, he found himself implicated in a royalist rebellion towards the end of 1795. Yet he managed to avoid any severe punishment at the hands of the authorities.³⁶⁵ His reputation as the defender of Marie Antoinette in her time of need remained in tact throughout the years. Though a note on some of his legal contemporaries merits mentioning. For instance, Tronson Ducoudray wound up being deported from France and died in exile in 1798. Furthermore, one of Louis XVI's lawyers, Raymond DeSèze, would not return to the legal spotlight until the Bourbon Restoration. Yet Chauveau-Lagarde would continue to practice law throughout the course of his life regardless of the regime that was in place. And his ability to change with the times became evident through his life experiences.

Napoleon's imperial system of governance, once it emerged, had a bureaucratic structure of its own, which would have a place for a lawyer such as Chauveau-Lagarde in the legal sphere. Interestingly, according to Boisthibault's biographical pamphlet, Napoleon at one point took notice of Chauveau-Lagarde. The pamphlet relates a story in this regard: "Le pouvoir n'effraya jamais Chauveau-Lagarde. Napoléon ne l'aimait pas, mais en politique habile, il savait dissimuler ses sentiments à son égard." Napoleon saw Chauveau-Lagarde at the Tuileries one day and shouted

³⁶³ Boisthibault, *Chauveau-Lagarde*, 2.

³⁶⁴ Sutherland, *France 1789-1815, Revolution and Counterrevolution*, 265.

³⁶⁵ Michelet, *Histoire de la Révolution Française II*, 1307.

"Ah! monsieur Chauveau-Lagarde, je vous connais, nous avons des lances à briser ensemble... Vous avez défendu Marie-Antoinette...". To which the lawyer responded, "Oui, Sire,... la Reine de France." The story concludes with the following comment: "Napoléon ne lui en fit pas moins un bon accueil."³⁶⁶ The story of this exchange is most likely untrue. However, there was possibly another incident which related to Chauveau-Lagarde's career that may have had even less appeal in the eyes of Napoleon. For on the previously mentioned list from the Archives Nationales of Chauveau-Lagarde's famous clients, one of the names is that of the ill-fated duc d'Enghien. However, the name is crossed out. And a comment appears in the margin next to Enghien's name, saying that the duc was refused legal services. Chauveau-Lagarde seems to have been unable to act as his lawyer.

In any case, whatever views his past legal actions during the Revolution ignited, Chauveau-Lagarde gained and maintained a position on the Conseil d'État for the duration of the Napoleonic period. This was a position he was officially granted in 1806. The full title of the office he occupied is shown on pieces of his personal stationary, of which there are examples in the Archives Nationales. It was as follows: "Avocat à la Cour Impériale et au Conseil-d'État". The fact that his career was able to persist throughout this time reflects a versatile nature both professionally and personally, the latter due to not letting an overly personal loyalty to the Old Regime interfere with his progress as a lawyer. The position he occupied during the Napoleonic rule was by no means insignificant, from a legal perspective at least. However, the fall of Napoleon's empire paved the way for the return of the Bourbon dynasty in 1814. And it must be remembered that given the disdain the deposed royal house had held the Napoleonic Regime in, it would not be surprising if those who had come to prominence under the latter should be regarded with suspicion by the Bourbons.

Chauveau-Lagarde was among those who welcomed the advent of the Restoration. As the brief biography of him that is provided in the *Annales du Barreau* puts it, "La Restauration trouva le défenseur de la reine au banc des avocats. Le 9 mai 1814, il porta la parole au nom de son ordre; il recut des lettres de noblesse, et ensuite fut nommé membre de la légion d'honneur."³⁶⁷ Furthermore, as another biographical pamphlet has stated, Chauveau-Lagarde saw in the Restoration what he desired most, which was "le principe monarchique concilié avec la liberté". He welcomed "avec joie le retour des Bourbons" and "le roi le reçut avec une bienveillance

³⁶⁶ Boisthibault, *Chauveau-Lagarde*, 6-7.

³⁶⁷ *Annales du Barreau Français*, xiii.

marquée".³⁶⁸ His contentment with a constitutional monarchy, the system of government in place during the Bourbon Restoration,³⁶⁹ says much about his political beliefs at this time, if such an observation is credible. If so, this attitude would have been a sensible one. And time would reveal the extent of the Bourbons' gratitude towards Chauveau-Lagarde for having acted as a lawyer to those members of the royal family who had been executed. For the advocate known as DeSèze, who had defended Louis XVI and lived to see the Restoration, was, in the words of David P. Jordan, "covered with honors by the restored Bourbons" and would be "eulogized at his death by the great Chateaubriand."³⁷⁰ DeSèze had refused to be employed by the regimes which had succeeded the collapse of the monarchy, so gratitude towards him could only be expected. Surely a similar recompense must be in store for Chauveau-Lagarde as well.

When, in 1816, he authored his memoir on the trials of Marie Antoinette and Madame Elisabeth, which was only 64 pages in length, Chauveau-Lagarde was staking a claim to the right to be regarded favourably by the Bourbons. And in authoring such a work with a clear association with the royal family, he was not alone. For Madame Campan, a former lady in waiting to Marie Antoinette, found herself treated rather frostily by the Bourbons due to having served Napoleon. She, therefore, decided to author her memoirs, which were sympathetic to the queen. Her situation aside, however, the timing of Chauveau-Lagarde's release of his account of the revolutionary events was due to, as he himself put it, the public release of the final letter that Marie Antoinette had written to her sister-in-law, Madame Elisabeth. According to his opening words, he had planned to write the memoir in 1814 upon the restoration of the monarchy but decided against the idea due to the fact that he did not want to reopen old wounds at a time of jubilation. However, he changed his mind, "depuis que la Providence vient de nous révéler le secret des dernières volontés de la Reine, dans la lettre, par elle adressé à madame Élisabeth de France".³⁷¹ This memoir stands as an example to do what is necessary to make the transition from one regime to another. And seeing as how some historians have made use of it in describing the ordeals of Marie Antoinette and Madame Élisabeth, there is no reason why it should not be used in analyzing the life of its author to gain some insight into his perspectives.³⁷²

³⁶⁸ Pillore, *Éloge de M. Chauveau-Lagarde*, 20-21.

³⁶⁹ Despite the eventual efforts of King Charles X to rule as an absolute monarch.

³⁷⁰ Jordan, *The King's trial*, 234-235.

³⁷¹ Chauveau-Lagarde, *Note Historique*, 2.

³⁷² For instance, as was mentioned before, Chauveau-Lagarde expressed the opinion that he had survived the Terror due to the multitude of other prisoners and that he was just forgotten about.

Aside from this, within the Archives Nationales is a document that at first may appear to be nothing more than an ordinary letter. The importance of this piece of writing is that when one looks at Chauveau-Lagarde's title of "Avocat à la Cour Impériale et au Conseil-d'État", it has been scratched out by hand. In its place, also written by hand, are the following words: "Avocat au conseil du Roy."³⁷³ The date is July 29, 1814. Obviously, Chauveau-Lagarde's position in life has changed from being one under an emperor to that under a king. Such a seemingly swift change in his title, literally at the scratch of a pen, shows very real tensions that were felt among society during this change in regime, tensions which were epitomized by the Second White Terror. This episode saw those loyal to the Bourbons persecuting supporters of Napoleon. Yet Chauveau-Lagarde's career in the legal world continued, with him adopting the title "Avocat au conseil du Roi". And there were further honours bestowed on him. For as David Higgs writes in his study on nineteenth century French nobility, in 1817, Chauveau-Lagarde

"...was given letters patent that "bestowed on him *noblesse* and authorized him to use the title *écuyer*" in recognition of his courage and devotion to the defense, before the Revolutionary tribunal, of Marie Antoinette and the sister of Louis XVI, Madame Elisabeth."³⁷⁴

During the Restoration, as is indicated by documents found in the Archives Nationales, he formed part of a committee dedicated to raising a monument to Malesherbes, the courageous elderly advocate who had taken on the task of defending Louis XVI, and who was subsequently executed himself during the Terror. The list is titled "Liste des Membres composant le Comité d'érection pour un monument à la mémoire de Malesherbes". Chauveau-Lagarde's titles when appearing on this list are as follows: "Chevalier de l'Ordre Royal de la Légion d'Honneur, Avocat aux Conseils du Roi".³⁷⁵ Letters which were addressed to him over the course of the Restoration took into account the honours which were bestowed on him. For instance, he might on occasion be addressed as "Monsieur Le Chevalier Chauveau Lagarde". One nineteenth century source relates how "La duchesse d'Angoulême fit au défenseur de sa mère et de sa tante l'accueil le plus bienveillant et lui dit avec un accent ému: *"Depuis longtemps je connais vos sentiments."*³⁷⁶ This latter encounter does not seem impossible. However, it would not be until the year 1828 that he

³⁷³ AN, 476AP/1.

³⁷⁴ David Higgs, *Nobles in Nineteenth Century France: the Practice of Inegalitarianism*. (Baltimore: John Hopkins University Press, 1987), 14.

³⁷⁵ AN, 476AP/1. It should also be stated at this point that he was also awarded the Order of Charles III of Spain.

³⁷⁶ Bouniol, *Les Rues de Paris*, 202.

would receive what could be thought of as overdue compensation from the royal government. By that time, Louis XVIII had died and he had been succeeded by his brother, the ultra royalist Charles X. Yet in 1828, Chauveau-Lagarde was appointed to the *Cour de Cassation*. Yet despite the fact that he would enjoy this new position for the remainder of his life, the regime which conferred the honour on him would not have much longer to live. Charles X was deposed in 1830 and was replaced by the duc d'Orléans, son of the notorious Philippe Égalité, who became Louis Philippe, King of the French. His regime was known to history as the July Monarchy. This was the last regime that Chauveau-Lagarde would live to see, and it was one which would correspond to the kind of political establishment that he was probably the most comfortable in. Yet this merits clarification. An Orléans, not a Bourbon, was at the head of this government. Yet both the Bourbon Restoration and the July Monarchy were systems of government that were characterized by a constitutional monarchy, and it was this kind of rule that Chauveau-Lagarde had to adapt to following the fall of Napoleon. He died in 1841, maintaining the post he had been granted in 1828. A portrait of him was commissioned during his life, and a street in Paris was eventually named after him.

Among the biographical pamphlets that were employed to analyze his career, the one attributed to M. Vital Pillore was originally a eulogy of Chauveau-Lagarde's life that was delivered in 1855. Its concluding paragraphs provide moving words on Chauveau-Lagarde's life and legacy and what can be gained from his experiences. For "De pareils exemples ne sont pas seulement utiles pour conserver la grande tradition du Barreau français, ils sont encore consolants pour l'humanité."³⁷⁷ This was from an address given to other lawyers, and it praises the example that was set by Chauveau-Lagarde's career. That this should have been indicated long after he had died is proof that his experiences and character are worth remembering. Furthermore, continual interest in Marie Antoinette as the last queen of France and her tragic fate will also ensure that his memory lives on. For though he had numerous other clients, it is due to his position as her defender during the Terror that his name will not fade into obscurity.

³⁷⁷ Pillore, *Éloge de M. Chauveau-Lagarde*, 28.

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